

Casey said the issue has already cost the district money. In September and October, she said the board spent almost \$1,000 researching the law and gathering legal opinions on the intelligent-design issue.

"I think how many books we could have bought with that money, and it makes me crazy," she said.

Conservatives, really.

In the past several months before the final vote, the Browns said their fellow board members had all but stopped talking to them, a sad experience for both of them.

"I had endorsed and campaigned for everybody on that board," Jeff Brown said. "Really, all but one of them campaigned and endorsed me."

The Browns say they had been mulling the issue to quit for a long time but they are both clear that they had been hesitant to discuss it together because they didn't want to influence the other to resign.

They know a lot of people have criticized them for quitting, for making it easier for other board members to push through issues they object to.

But they say they had long lost any control over what the board was going to do.

"We weren't being told about things, and I couldn't be effective," she said. "I was failing in my responsibility to the community."

"This isn't what we were elected to do," she said. "Certainly not."

While she continues to second-guess herself on whether she made the right decision, she believes that quitting has made it possible for she and her husband to garner more attention than they would have otherwise.

"I thought we needed to take that step to make people aware, that something definitely was wrong," she said.

Unlike his wife, when Jeff handed in his resignation, he did so knowing that he had every intention of running for office next year. He had first ran for office in 1999 with a campaign of fiscal conservatism. Religion in science class had never been brought up.

"I quit, because I never ran on this issue," he said.

He wants to know if there is a mandate.

"I'm running next year to find out as much as anything whether the voters want this," he said. And if voters want to fight the U.S. Supreme Court, he will know when he is defeated.

But he suspects he won't be defeated.

Noel Wenrich, who stepped down from the school board recently to take a job in Lancaster County, is a believer and supporter of intelligent design.

Nonetheless, in October, he voted against making it part of the curriculum. Along with the Browns, he was the only other dissenting vote.

Wenrich believed that to side with the motion, as it was written, was a violation of his "fiduciary responsibility" because he didn't think the courts would uphold it.

The U.S. Supreme Court hasn't ruled on the teaching of religion and evolution since the 1987 case of Edwards vs. Aguillard, in which it was established that a Louisiana law requiring equal time for creationism in high school

biology class was unconstitutional.

Wenrich would like to see the students be aware of what he believes are gaps in Darwinism, but, by requiring the teaching of intelligent design, he believes the district is now set up for a lawsuit. He agreed with the Browns that some board members have been cut out of the discussions in the past several months.

While there have been no quorum violations, Wenrich said, there have been agreements and alliances made privately.

"I tried eight times to get that wording changed," Wenrich said. "Nobody was listening."

He said for many years, Casey Brown was in the minority on the board, and Wenrich remembers how hard she worked to make changes and be heard.

For years, board members disagreed with each other the Browns were known to differ with each other but in the past, everyone was able to put aside their past differences and work together. But that's changed now, he said.

Now, Wenrich said he envisions a power struggle on the board.

He said he has told the Browns that they should have stayed and fought.

"Stepping down was not in the best interest of everybody," he said.

However, Larry Snook, who resigned from the board two years ago amid controversy surrounding high school renovations, said he is able to relate to the Browns' sense of being ineffective.

Snook, who remains a vocal critic of the board and attends most meetings, said he thinks sometimes it's better to speak out as a private citizen than as an official.

For instance, "I haven't gone away," he said. "I've just changed where I sit."

Since their resignation, the Browns have received a barrage of phone calls from members of the community. The calls have all been supportive. People they run into at the grocery store, on the street, come up to them and tell them they're sorry.

The Browns think what is happening in Dover is a precursor to what will soon be happening across the country, as religious conservatives become more vocal.

Casey ticked off similar cases that are being played out in places such as Cobb County, Ga., where the school district is awaiting a judge's decision regarding the warning stickers placed on biology books warning students that evolution is just a "theory."

Or the Grantsburg School District in Wisconsin that has approved a policy calling for "various models/theories" of origin to be incorporated into biology class.

Or the Kansas State Board of Education, in which a group of newly elected conservatives have vowed to revisit the debate over whether to de-emphasize the teaching of evolution in state science classes.

"It's as if we are one of the starting points," she said. "I'm afraid it's perhaps indicative of what's going to happen everywhere."

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

PIC. JASON PLOTKIN Daily Record / Sunday News

Jeff Brown and his wife Carol "Casey" Brown resigned from the Dover Area School Board because they objected to the teaching of intelligent design. Since then they've been interviewed by the national media and shunned by some of their former constituents.

Credit: York Daily Record

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York Dispatch

Dover lawsuit looms

'Intelligent design' sparks ACLU vow

By HEIDI BERNHARD-BUBB *For The York Dispatch*

Thursday, December 02, 2004 -

The Dover Area School District may face a federal civil rights lawsuit before the end of the year over the inclusion of Intelligent design in the high school biology curriculum.

Witold Walczak, legal director of the Pennsylvania chapter of the American Civil Liberties Union, said the organization is representing a large, diverse group of Dover residents and plans to file a lawsuit because the district's attempt to balance science with religion violates the constitution.

The ACLU has put together a legal team that includes Americans United for Separation of Church and State and the law firm of Pepper Hamilton, which has offices in Philadelphia and Harrisburg.

In addition, the Anti-Defamation League, an organization that monitors hate groups and promotes tolerance, has said it may support the ACLU.

Little comment: Dover superintendent Richard Nilsen said the district has not been notified of the threatened suit, and he had no comment on how it will deal with the issue.

But new school board president Sheila Harkins said the board would certainly discuss the issue further if a lawsuit is filed.

And board member Angie Zeigler-Yingling said she would like to revisit the curriculum and its wording.

Defense aid: Free legal aid in defense of the curriculum has been offered by the Thomas More Law Center, a law firm dedicated to defending the religious freedom of Christians and the sanctity of human life.

Several former board members, including Larry Snook and Casey Brown, have questioned whether the center has a binding contract with the district and whether the offer of free legal aid will apply if the district loses the suit -- saddling the taxpayers with costly legal fees.

The district has no contract with the center, Harkins said, but the center's chief counsel, Richard Thompson, said in late October it would defend any individual or the district at no cost regardless of the outcome.

And while the school board and administrators say they have grown weary of the national media attention sparked by the October curriculum change --the controversy has been covered by The New York Times, National Public Radio, MSNBC, Fox News Channel, and several other major media outlets -- the spotlight isn't likely to diminish.

Legitimate theory?: Thompson said a court case would really be about the legitimacy of intelligent design as a scientific theory, likely the first in the country.

Proponents say that intelligent design is a legitimate alternative to the theory of evolution. Intelligent design is a theory that says life is too complex to be explained by an undirected process, such as natural selection, and must have been created by an "intelligent agent."

Critics say the intelligent agent is God and intelligent design is a veiled attempt to bring creationism and

religion into schools.

In 1987, the U.S. Supreme Court rejected the teaching of creationism in public schools as a violation of the constitutionally mandated separation of church and state.

Science defended: Barry Morrison, regional director of the ADL's Philadelphia office, said that the most dangerous thing about the wording of Dover's curriculum is that it elevates intelligent design, which he calls an "expression of ideology," and denigrates evolution, which is a legitimate and well-tested scientific theory.

Rob Boston, spokesman for Americans United, agrees.

"What is most alarming is that the (curriculum) betrays great ignorance of modern science by stating that evolution is not factual," said Boston.

The district released a statement Nov. 19 to clarify how Intelligent design will be incorporated into the classroom.

Part of the statement reads: "Because Darwin's Theory is theory, it is still being tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations."

Morrison said that the suggestion that evolution is "just a theory" belittles the overwhelming scientific evidence that supports it, and provides a basis for modern biology.

Union says intelligent design questions still unanswered

Teachers want direction from the Dover Area School Board on how to answer student questions.

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Friday, December 3, 2004

The Dover Area School Board has a different look from just two months ago.

There are four new members as a result of resignations, a new president, Sheila Harkins, and a new vice president, Heather Geesey.

Even with the changes, some controversies linger, the most prominent of which was the recent curriculum mandate that intelligent design be taught in the district's ninth grade biology classes.

On Thursday, Bill Miller, a union spokesman for the Dover Area Education Association, said those changes were causing confusion and frustration among members of the high school's science department.

"We still have no direction from the administration on how to handle student questions about intelligent design," Miller said.

The word, "direction," is critical to the union because Miller said teachers will not answer intelligent design questions without specific guidance on how to do so from the board and administrators.

Last month, Michael Baksa, assistant superintendent, said the administration will eventually sit down with the teachers and decide how questions relating to intelligent design will be handled.

But Miller said the union wants nothing to do with that.

"If we have any directional discussions with the administration on how to answer these questions, it implies that we are cooperating on the issue," Miller said. "And that sets us up to be a sort of shield (if there is any future litigation). If given a direction by the administration, we will not be insubordinate. But they must be the ones to say how we answer the students in

this area."

That is unless the union feels the direction puts them in violation of any laws.

"If that becomes our feeling, we may have to take action," he said. "Maybe it's legal action, maybe it isn't, but we will have to do something."

In a statement released by the union Wednesday, they disputed a November statement issued by the administration, which is posted on the district's Web site.

Miller said the administration's statement implied that the curriculum changes were done with the assistance and approval of the teachers. He said that isn't totally true.

"We never developed any language that allowed intelligent design into the classroom," Miller said.

There is also confusion about another section of the district's statement: "Intelligent Design is an explanation of the origin of life that differs from Darwin's view."

Since the final line of the recently passed curriculum change says, "Note: Origins of life will not be taught," it leaves Miller wondering how the district can prevent students from asking questions that wander down this road.

In another line of the administration's statement, it says, "The Superintendent, Dr. Richard Nilsen, is on record stating that no teacher will teach intelligent design, creationism, or present his/her or the board's religious beliefs."

But at the heart of intelligent design is the idea that there is a designer, who some say represents a deity or god.

"We are really struggling with all of this," Miller said. "We have a real concern that at some point something is going to be said that inadvertently infringes on someone's civil rights."

Dover science faculty uneasy

Department head resists ID mandate

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Sunday, December 5, 2004

With less than a month before the first biology class begins discussing intelligent design theory at Dover Area High School, teachers are nervous. After more than 40 years as a Dover science teacher, science department head Bertha Spahr said she has no answers for students who might ask religious-based questions about the theory.

"But it doesn't look like we have a choice," Spahr said. "The board has made its decision."

Intelligent design suggests that all things were created by a divine being. Critics say the teaching of this theory violates the constitutional separation of church and state.

Last month, assistant supt. Michael Baksa said he would work with the science department to help it prepare what it could and could not say in response to questions that may turn out to be religious in nature.

But Spahr said her department will not offer its assistance. To do so, she said, implies it supports intelligent design in the classroom.

"We will not be insubordinate," she said. "If the administration or board comes up with pre-written responses to questions, we will read them. But we will not help prepare them."

On Thursday, Bill Miller, a spokesman for the teachers' union, the Dover Area Education Association, also said the teachers would not help in this area.

Supt. Richard Nilsen, reached at home Saturday evening, refused to comment.

In August, Spahr said, board member and curriculum committee head William Buckingham said that if the intelligent design book "Of Pandas and People," published by the Foundation for Thought and Ethics, was not placed in the classroom as a reference book, the biology department would not get its sorely needed new biology books.

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That month, amid public outcry from people saying that religion did not belong in the classroom, the board voted to use the book, "Biology," which Buckingham said was "laced with Darwinism." On Oct. 4, with the consent of the science department, Nilsen authorized 50 donated copies of "Of Pandas and People" to be made available in the classroom.

Spahr called it a compromise and thought the issue would end.

But at the Oct. 18 meeting, the board revisited the intelligent design issue and this time voted to add it to the ninth-grade biology curriculum.

Since then, Spahr said, the administration has given science teachers a statement about intelligent design to read to students. The statement reads, in part: "The state standards require students to learn about Darwin's Theory of Evolution and to eventually take a standardized test of which evolution is a part. Because Darwin's Theory is a theory, it is still being tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

"Intelligent Design is an explanation of the origin of life that differs from Darwin's view."

It notes students can learn more through the "Pandas" book, and encourages students to keep an open mind. The statement continues:

"The school leaves the discussion of the origins of life up to individual students and their families."

Spahr said science teacher Jen Miller edited the statement, but that no one in the science department helped write it. Spahr said a problem could occur after the statement is read to the students. Once this topic is introduced, Miller said, she wonders how many questions will be asked as a result.

"I'm trained to teach to state standards," Miller said. "('Intelligent design') is currently not listed in those standards."

Miller said she hopes it will be enough to read the

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statement or refer students to the "Pandas" book. But she realizes that students have the right to discuss curriculum items in class.

"This is all new and something we are not prepared for," she said. "I worry that something I say could cause me to end up in some sort of litigation."

Spahr said the science teachers feel like they're in a battle that can't be won.

"The Supreme Court has said it's unconstitutional to teach creation in the classroom," she said. "So we either risk violating a school board directive or risk breaking the law. What are we to do?"

Board member says the worst is coming - YORK DAILY RECORD

motion was because, despite Yingling's warning of impending litigation, Bonsell has yet to hear that the district is being sued.

"Is she an attorney?" he asked. "As of last night, no one has said anything about someone having sued us."

Yingling said that by early Tuesday evening she had received more than 30 calls or visits to her home by people offering their support.

Jeffrey Brown, a former board member, was one of those who talked with Yingling on Tuesday. He said he didn't advise her one way or the other.

"This has to be her call," he said. "She has more of a voice if she's on the board, but obviously we (Brown and his wife, Carol 'Casey' Brown, who also is a former board member) resigned because we didn't think anyone cared about our voice."

Until Yingling's resignation is put in writing and accepted by the board, she remains an active board member. That could change at the next meeting, scheduled for Jan. 3 at 7 p.m. at North Salem Elementary School.

"The lawsuits are coming," Yingling said. "And without me, there will be no one speaking on behalf of those that don't want to pay those bills. But I don't know if I want to stay on this ship. It's like being on the Titanic. Everyone seems to see the iceberg, but no one is steering away."

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12/31/2004

Dover Area loses an official, again

School Board member Angie Yingling said she was out over intelligent design.

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Tuesday, December 7, 2004

Another Dover Area School Board member announced her resignation Monday night over the intelligent design controversy.

After failing to get a second on a motion from the board to revisit the decision that led to the theory being taught in ninth-grade biology, resigning member Angie Yingling said, "It's wrong, it's all wrong."

While requesting her motion, Yingling told the board that the changes needed to be made to avoid lawsuits that the board "knows" are coming.

"We've got our point across to the local, state and national levels," she said to the board. "But taxpayers have told me they can't afford any lawsuits over this."

The board did not immediately accept her resignation. But after the board announced it was going into an executive session, Richard Nilsen, the district's superintendent, asked Yingling to reconsider.

Before the session started, Yingling said she would consider the request but only if the board would assure her that the next time she made the motion to revisit the issue, someone would second it and bring the matter to a vote.

She also said that after thinking about it, she regrets voting Oct. 18 to add intelligent design to the student curriculum. But she said she did so because many on the board pressured her by accusing her of being an atheist and un-Christian.

Just before the executive session began, Dover Area parent Cynthia Sneath implored Yingling to stand her ground and remain on the board.

"Bring (the motion) up at every meeting," she told Yingling. "We need a voice of opposition up there."

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But Yingling wouldn't commit one way or the other.

"I feel as though I've been misled throughout this whole thing," Yingling said. "All I wanted was for the 'Pandas' book to be made available as a reference book. Not all of this."

The book Yingling referred to is "Of Pandas and People," published by the Foundation for Thought and Ethics. The book uses intelligent design to suggest that all things were created by a "designer," who many interpret to mean God or other divinity. Critics say the theory violates the constitutional separation of church and state.

Bill Miller, a union spokesman for the Dover Area Education Association, said it was unfortunate that the board would not discuss Yingling's motion.

"Her request had merit," he said.

This past weekend, Miller and science department head Bertha Spahr said they would not participate in formulating any answers to intelligent design questions, despite the theory's addition to the curriculum.

They said they would refer the students to the 'Pandas' book or forward questions to the administration and board via the appropriate chain of command.

Yingling followed the board into executive session and remained in the meeting with them for 90 minutes, but did not change her mind on the resignation.

Board member says the worst is coming

Angie Yingling offered her resignation over the 'intelligent design' controversy.

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Wednesday, December 8, 2004

Dover Area School Board member Angie Yingling said things are getting uglier by the minute in her district. "And they're going to get worse," she said.

Yingling offered her resignation at the end of Monday's school board meeting after failing to get a second on a motion to revisit an Oct. 18 curriculum change. The change allowed "intelligent design" theory to be taught in ninth-grade biology.

The theory suggests that all things were created by a "designer," which many interpret to mean God or a divinity. Critics say teaching the theory in public schools violates the constitutional separation of church and state.

On Tuesday, Yingling said she was reconsidering her decision to leave at the urging of Supt. Richard Nilsen and Assistant Supt. Michael Baksa. Neither could be reached for comment.

She said the board has also encouraged her to stay.

"They want to hear what I have to say, but they won't let me vote," she said. "And I want my vote on the record."

The biggest reason she said she was unable to get a second on her motion is because of what she said is the influence Alan Bonsell, the board president, has on other board members.

Bonsell, reached at home, said no one is pressuring anyone to do anything.

"This is ridiculous," he said. "I'm not going to get into this posturing for position."

He did say the reason he didn't offer a second to Yingling's motion was because, despite Yingling's warning of impending litigation, Bonsell has yet to hear that the district is being sued.

"Is she an attorney?" he asked. "As of last night, no one has said anything about someone having sued us."

Yingling said that by early Tuesday evening she had received more than 30 calls or visits to her home by people offering their support.

Jeffrey Brown, a former board member, was one of those who talked with Yingling on Tuesday. He said he didn't advise her one way or the other.

"This has to be her call," he said. "She has more of a voice if she's on the board, but obviously we (Brown and his wife, Carol 'Casey' Brown, who also is a former board member) resigned because we didn't think anyone cared about our voice."

Until Yingling's resignation is put in writing and accepted by the board, she remains an active board member. That could change at the next meeting, scheduled for Jan. 3 at 7 p.m. at North Salem Elementary School.

"The lawsuits are coming," Yingling said. "And without me, there will be no one speaking on behalf of those that don't want to pay those bills. But I don't know if I want to stay on this ship. It's like being on the Titanic. Everyone seems to see the iceberg, but no one is steering away."

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The York Dispatch (York, PA)

December 7, 2004 Tuesday

SECTION: LOCAL NEWS

LENGTH: 821 words

HEADLINE: Another Dover school board member quits

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

A third Dover Area school board member resigned last night over the inclusion of **intelligent design** theory in the biology curriculum.

Angie Zeigler-Yingling, one of six members who voted to include the controversial teachings in October, said she had changed her mind mostly because she believes the district will be sued and that it will burden the taxpayers.

Zeigler-Yingling made a motion to revisit the curriculum and said she was asking for a second only to put her vote on record. But no one seconded the motion.

"You've gotten your point across to the community, to the county and to the whole nation," she said to the board. "It's wrong, I think it's wrong, and you know it's wrong; it's against state and federal law, and you know it."

Change brought national attention: The Dover board set off a firestorm of controversy that has gained national attention when it added the following wording to the curriculum: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to **Intelligent Design**. The Origins of Life is not taught."

Proponents say **intelligent design** is a legitimate alternative to the theory of evolution; it says life is too complex to be explained by an undirected process, such as natural selection, and must have been created by an "intelligent agent."

Critics say the intelligent agent is God, and **intelligent design** is a veiled attempt to bring creationism --and religion -- into schools. They argue it is not a legitimate scientific theory and should not be given equal weight with the theory of evolution, which is well-tested and supported by evidence.

A group of Dover residents has retained the legal services of the Pennsylvania chapter of the American Civil Liberties Union. The ACLU has put together a legal team that includes Americans United for Separation of Church and State and the law firm of Pepper Hamilton.

The ACLU has not yet decided to file a lawsuit, with legal director Witold Walczak saying that the organization is still researching the matter; however, representatives have said that they may make a move before January, when the new curriculum is to be implemented.

Free legal aid in defense of the curriculum has been offered by the Thomas More Law Center, an Ann Arbor, Michigan-based law firm dedicated to defending the religious freedom of Christians and the sanctity of life.

Unclear what 'free aid' covers: However, Zeigler-Yingling and several former board members have said the district has no written contract with the firm. It is unclear whether the firm would pay for legal costs no matter the outcome of a suit and to what extent those services would cover.

The York Dispatch (York, PA) December 7, 2004 Tuesday

After the meeting, Zeigler-Yingling said she would have stayed on the board if anyone had given her the courtesy of a second and a chance to put her opinion and vote on record.

She said she "absolutely regretted" her vote for the curriculum change in October and felt she had been misled by other board members about what the changes meant. Board members Jeff and Casey Brown quit in October, also disturbed by the curriculum change.

No opposing view: Some audience members said they understood Zeigler-Yingling's position, but urged her to reconsider.

"There is no longer an opposing view on the board, and they will just vote in another person who supports their agenda," said resident Cyndi Sneath.

Jeff Brown said he and Zeigler-Yingling could have stayed on the board to put in a minority opinion, but no one would have listened.

"They have accused us of not being team players, but if you disagree with them and don't do exactly what they want, you are off the team anyways," he said.

Bill Miller, Dover Area Education Association representative, said that "it was unfortunate that there was no second [to Zeigler-Yingling's motion] because the discussion had merit and the union's and science department's position had not changed."

Miller said the science department does not know how to answer student questions that may arise and wants specific direction from the board and administration.

"We don't want to be the ones making decisions and answering the questions," said Miller, who said the science department would take no part in developing answers.

Zeigler-Yingling's term would have ended next year. Her position will be the fifth open in the past six weeks. In addition to the Browns' resignations, two members quit to move away.

New members Sherric Leber, Ronald Short, the Rev. Edward Rowand and Eric Riddle were chosen from among 13 candidates last month.

To fill Zeigler-Yingling's position, the board will have to seek candidates who will serve a one-year term, but can run for election next year when there are three two-year terms and four four-year terms on the ballot.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

LOAD-DATE: March 26, 2005

College biologists blast Dover

York College faculty members said the 'intelligent design' decision goes against science.

By LAURILERO
Daily Record/Sunday News
Wednesday, December 8, 2004

York College's biology professors have entered the fray surrounding "intelligent design" and are now protesting its required teaching in Dover Area High School biology classes.

A letter to the York Daily Record/Sunday News signed by 12 members of the college's biology department states that the decision by the Dover Area School Board to require the teaching of intelligent design "reflects a genuine lack of knowledge about the data supporting evolution by natural selection."

In October, the school board became the first in the country to require the concept to be taught in science class in addition to evolution.

Intelligent design is the concept that life is too complex to have occurred randomly and therefore must have had been "designed" by a divine creator.

Karl Kleiner, one of the professors who signed the letter, said the letter represents the first time members of the college biology department have spoken collectively in this fashion.

He said members of the department felt a professional obligation to speak up since the issue has been raised in their own back yard.

"We've seen this time and again, these attacks on biology curricula across the country," he said.

While York College itself has not taken a stance on the issue, the biologists have academic freedom to speak out, he said.

"But I don't think we're rocking the boat here," he added.

Dover Area School Board President Alan Bonsell and William Buckingham, the board member who was the chief architect of the curriculum change, couldn't be reached for comment.

Kleiner said two members of the department declined to

sign the letter. Elizabeth Hodgson, a lab coordinator who teaches general biology, declined to comment on her reasons for not signing it. Bruce Smith, a biology and botany professor, could not be reached for comment Tuesday.

Kleiner said the issue was something about which both he and Brad Rehnberg, another York College biology professor, felt strongly, especially because it involves the mixing of religion with fact-based science.

"Individuals are altering the science curriculum who do not have a place at the table," Kleiner said. "They are not scientists.

"This is the world according to them."

The letter states that the board decision "reflects a profound misunderstanding of the scientific process, and an equally profound disregard for the science educators and students in the Dover School District."

The issue has divided the school board and garnered attention across the country. The American Civil Liberties Union, along with the Americans United for Separation of Church and State, is expected to file a lawsuit on behalf of school district residents.

On Monday night, Angie Yingling resigned from the Dover Area school board, saying she was pressured to support the curriculum change.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

ON THE WEB

To read the Dover School Board's press release about the teaching of "intelligent design," visit district's Web site at <http://www.dover.k12.pa.us/doversd/cwp/view.asp?A=38&Q=261852>

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Board member says the worst is coming; Angie Yingling offered her resignation over the intelligent design' controversy.

JOSEPH MALDONADO. York Daily Record. York, Pa.: Dec 9, 2004. pg. 2

Abstract (Document Summary)

[Angie Yingling] offered her resignation at the end of Monday's school board meeting after failing to get a second on a motion to revisit an Oct. 18 curriculum change. The change allowed "intelligent design" theory to be taught in ninth-grade biology.

On Tuesday, Yingling said she was reconsidering her decision to leave at the urging of Supt. Richard Nilsen and Assistant Supt. Michael Baksa. Neither could be reached for comment.

He did say the reason he didn't offer a second to Yingling's motion was because, despite Yingling's warning of impending litigation, [Alan Bonsell] has yet to hear that the district is being sued.

Full Text (483 words)

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*****CORRECTION: Alan Bonsell is the former board president.*****

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"They want to hear what I have to say, but they won't let me vote," she said. "And I want my vote on the record."

The biggest reason she said she was unable to get a second on her motion is because of what she said is the influence Alan Bonsell, the board president, has on other board members.

Bonsell, reached at home, said no one is pressuring anyone to do anything.

"This is ridiculous," he said. "I'm not going to get into this posturing for position."

He did say the reason he didn't offer a second to Yingling's motion was because, despite Yingling's warning of impending litigation, Bonsell has yet to hear that the district is being sued.

"Is she an attorney?" he asked. "As of last night, no one has said anything about someone having sued us."

Yingling said that by early Tuesday evening she had received more than 30 calls or visits to her home by people offering their support.

Jeffrey Brown, a former board member, was one of those who talked with Yingling on Tuesday. He said he didn't advise her one way or the other.

"This has to be her call," he said. "She has more of a voice if she's on the board, but obviously we (Brown and his wife, Carol Casey' Brown, who also is a former board member) resigned because we didn't think anyone cared about our voice."

Until Yingling's resignation is put in writing and accepted by the board, she remains an active board member. That could change at the next meeting, scheduled for Jan. 3 at 7 p.m. at North Salem Elementary School.

"The lawsuits are coming," Yingling said. "And without me, there will be no one speaking on behalf of those that don't want to pay those bills. But I don't know if I want to stay on this ship. It's like being on the Titanic. Everyone seems to see the iceberg, but no one is steering away."

Credit: York Daily Record

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People: Yingling, Angie, Bonseil, Alan

Section: MAIN

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156 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 10, 2004 Friday

SECTION: TOP STORIES

LENGTH: 404 words

HEADLINE: Losing a lawsuit could cost Dover

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

Opponents of Dover School Board's decision to include **intelligent design** in the high school biology curriculum say the board could spend more than \$100,000 if it were to lose a court suit against the curriculum.

The board is quick to point out that no lawsuit has been filed, but a group of Dover residents has retained the legal services of the Pennsylvania chapter of the American Civil Liberties Union in the matter.

The ACLU has put together a legal team that includes Americans United for Separation of Church and State and the law firm of Pepper Hamilton, which has offices in Philadelphia and Harrisburg.

The ACLU has not yet filed a lawsuit; legal director Witold Walczak said the organization is still researching the matter; however, it may make a move before January, when the new curriculum is to be implemented.

Free legal aid in defense of the curriculum has been offered by the Thomas More Law Center, an Ann Arbor, Mich.-based law firm dedicated to defending the religious freedom of Christians and the sanctity of life.

But the district has no written contract with the firm and it is unclear whether the firm would pay for legal costs no matter the outcome of a suit, and to what extent those services would cover.

If the ACLU decides to sue and wins, Walczak said the organization would seek plaintiff's attorney fees, which could be "well into six figures in a case like this."

"A lot depends on the twists and turns of litigation, but, at a minimum, our fees would be at least \$100,000," Walczak said.

Richard Thompson, chief counsel of the Thomas More Law Center, said yesterday his firm's offer of free legal service still stands and will extend to the entire school board, individual members and any school district employee who may be sued, including teachers.

Thompson said the non-profit, public interest law firm defends people free of charge all over the country with funding through private donations.

However, those services will only cover defense attorney fees, such as travel costs, depositions and filing fees.

If the district loses a lawsuit, the center will not cover the cost of the plaintiff's attorney fees. Nor will it cover the more than \$1,000 the district has already spent seeking advice from district solicitor Stock and Leader on the curriculum change.

Thompson said the center would be happy to enter into a standard agreement with the board.

The York Dispatch (York, PA) December 10, 2004 Friday

LOAD-DATE: March 26, 2005

Religion, hunting spur talk; Talk about religion, hunting and roads filled the hours at Hellam ice cream shop.

SEAN ADKINS. York Daily Record. York, Pa.: Dec 10, 2004. pg. 8

Abstract (Document Summary)

Earlier this week, [Robert Arbogast] chatted about intelligent design over a cup of coffee and a newspaper at Jim Mack's Ice Cream shop in Hellam Township.

Phillip Ritter said he has repeatedly appealed to Hellam Township to blacktop and maintain his road.

Ritter, who lives off Fake Road, said Windsor Township has paved its half of the lane and awaits the day when Hellam Township will do the same.

Full Text (669 words)

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Robert Arbogast counts himself among residents who believe that religion has a place in the Dover Area School District.

The Dover Township resident said he understands that many children have never learned about God and may benefit from a biology class curriculum based in part on "intelligent design."

The theory proposes that a divine creator brought life into being rather than by random, natural selection.

The Dover Area School Board recently voted to require the teaching of intelligent design in high-school biology classes.

"Maybe the kids will grow up and go to church instead of shooting people and doing dope," Arbogast said. "I'm no angel, but I do go to church every Sunday."

Earlier this week, Arbogast chatted about intelligent design over a cup of coffee and a newspaper at Jim Mack's Ice Cream shop in Hellam Township.

Arbogast and about six of his buddies meet at the local hangout each morning to talk about the news of the day and to keep current on personal issues.

"I have no opinion on (intelligent design)," said Charles Dellinger of Hallam. "I just sit here and don't pay attention to it."

At the opposite end of the small restaurant, two regulars showed little interest in religious issues and focused instead on the topic of road maintenance.

Phillip Ritter said he has repeatedly appealed to Hellam Township to blacktop and maintain his road.

"They got all the road work equipment they ever had," said Bill Blessing of Hellam Township. "But, they get less done."

Ritter, who lives off Fake Road, said Windsor Township has paved its half of the lane and awaits the day when Hellam Township will do the same.

"My tax money is sitting there," Ritter said, "and it's not working for me."

Stephen Beecher, road master for Hellam Township, said in a later interview that the municipality does not own the private driveway and has never maintained the lane.

"I don't know why (Ritter) thinks the township should do anything with that road," he said. "It's a private lane with more than one house."

Ritter said he would be satisfied if Hellam Township agreed to grade the road.

"I think we have a lot of problems with our roads," he said.

Talk of roads drove the conversation at Mack's toward a recent hunting accident that involved the shooting of a North Hopewell Township Woman.

On Nov. 29, Janet Wilhelm suffered a gunshot wound to the thigh while driving home.

Game commission officials say it came from a hunter aiming for deer.

Wilhelm had been driving on Swamp Road near Mount Olivet Road in Winterstown when the bullet punctured the driver's side door of her car.

"Personally," Ritter said, "I think it's a poor hunter that shoots at an automobile."

Blessing said hunters should never be shooting across a road.

Arbogast said he has been an avid hunter for several years, but has not had much luck this season.

The fact that current laws combine doe and buck season is a reason why Arbogast said he has "just not been seeing the deer."

In the past, doe season was three days long while buck season extended to what it is today, he said.

"I think they are killing off too many doe at one time," Arbogast said. "They should put doe hunting back to three days or not have it all. It's not too regulated just yet."

Arbogast glanced down at his newspaper and immediately left the topic of hunting for his earlier thoughts on religion.

Americans United for the Separation of Church and State has threatened to sue Hanover if the borough does not remove a Ten Commandments monument located in Wirt Park.

A recent judgment has allowed the borough to sell the monument and the property on which it sits to a nonprofit group.

"I think that's just ridiculous that they want to move the monument from Hanover," Arbogast said. "That's just the work of the devil."

Reach Sean Adkins at 771-2047 or sadkins@ydr.com.

Credit: York Daily Record

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People: Arbogast, Robert, Ritter, Phillip
Section: *BUSINESS*
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DOVER CONTROVERSY

York Daily Record. York, Pa.: Dec 11, 2004. pg. 1/07

Abstract (Document Summary)

On Oct. 18, when its school board voted 6-3 to approve science curriculum changes, the Dover Area School District became the first school district in the country to require the teaching of the theory of "intelligent design" in high school biology class....

Full Text (127 words)

Copyright (c) 2004 York Daily Record

On Oct. 18, when its school board voted 6-3 to approve science curriculum changes, the Dover Area School District became the first school district in the country to require the teaching of the theory of "intelligent design" in high school biology class.

Intelligent design is the idea that life is too complex to have occurred randomly through evolution and therefore must have been created by a divine being.

Supporters of teaching ID say the issue is fairness giving time to alternative views.

Critics say ID is not science but merely a way of forcing religion into biology class.

Officials on both sides of the issue are bracing for a lawsuit on the grounds that the policy violates the separation of church and state.

Credit: York Daily Record

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Scientists hope
to boost numbers
Page C1

THE GRINCH:
Cartoons for
Christmas
Page D5

SPORTS:
Ultimate
role model
Page B1



THE YORK DISPATCH

NOVEMBER 12, 2004 EDITION 243

YORK, PA., FRIDAY, DECEMBER 10, 2004

50 CENTS

Dover board limits public comment

Agenda-only discussions legal, but some residents angry

BY MEOJ BERNHARD-BURR
For the first time, the public comment period of the first order of business for the new Dover school board meetings to agenda items. The first order of business for the new Dover school board meetings to agenda items. The first order of business for the new Dover school board meetings to agenda items.

Two recesses: However, she changed her mind after last week's meeting erupted into several heated exchanges between audience members and the board. Herkins ended Dover debates with her gavel and two live-minute recesses to give the audience a chance to speak. Several former board members present were upset. "This is simply a way to snuff the opponents of the school," she said. "You can't have a school without a board."

■ Bill could impact Dover cost lawsuit
Page A11

members present were upset. "This is simply a way to snuff the opponents of the school," she said. "You can't have a school without a board."

See DOVER/A

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A11.

DOVER

(Continued from Page A1)

After the exchanges, Harkins said Monday she discussed the issue with the administration and several other board members and decided to limit the public comment to agenda items.

However, several residents said they believe the board is trying to silence the public and keep the media from hearing criticism of the district — in particular over the issue of intelligent design.

October firestorm: The board set off a firestorm of controversy that has gained national attention when it added the concept of intelligent design to the high school biology curriculum in October.

Proponents say that intelligent design is a legitimate alternative to the theory of evolution. Intelligent design says life is too complex to be explained by an undirected process, such as natural selection, and must have been created by an "intelligent agent."

Critics say the intelligent agent is God and intelligent design is a veiled attempt to bring creationism — and religion — into schools. They argue it is not a legitimate scientific theory and should not be given equal weight with the theory of evolution, which is well-tested and supported by evidence.

Official policy

Robert J. Davies, a former public defender, says that the Board is "a bunch of people who are not qualified to make decisions about the future of the state's judicial system." Davies says that the Board is "a bunch of people who are not qualified to make decisions about the future of the state's judicial system."

However, Harkins maintains that the changes are not directly in response to the intelligent design issue and are only meant to keep the meetings running smoothly and avoid contention.

Different views: While she acknowledged that hearing complaints and differing viewpoints was part of the job of an elected official, Harkins said those opinions should be expressed appropriately without telling of personal accusations.

Some residents said they didn't have a problem with the new procedure, but thought the board is trying to squelch any opposition to its agenda.

Resident Beth Eynland said she believed the board was not fostering open communication with the public. This sentiment was echoed by Cyndi Smith, who added that she believed the board

came across as rude and made her wonder why they won't discuss issues openly.

Why can't you ask questions? What are they afraid

of" asked Smith.

A regular issue was raised in November, when the board refused to release audio recordings of the Oct. 18 meeting where intelligent design was added to the curriculum.

As for keeping the audio recordings from the public, the board is on solid legal footing in its decision to limit public comment.

Pennsylvania's Sunshine Law says that "residents and/or taxpayers must be given a reasonable opportunity to comment on matters of concern" during meetings, but it allows board officials to limit the time and content of those comments.

Reach Heidi Bernhard
Dubb at 854-1575 or
newa@prkdispatch.com.



Letter criticizing Dover board has own critics

One affiliate of York College said the attack on the 'intelligent design' decision is off base.

By LAURI LEBOW
Daily Record/Sunday News
Saturday, December 11, 2004

When two members of York College's biology department distributed the e-mail to faculty colleagues, not everyone agreed with its message.

The e-mail was about a proposed letter criticizing the Dover Area School Board's decision to require the teaching of "intelligent design" in high-school biology class.

Twelve members of the biology department faculty signed the letter, which was printed in Wednesday's Daily Record. The letter contended the Dover board's decision "reflects a genuine lack of knowledge about the data supporting evolution by natural selection."

But Mark Simmons, one of the recipients of e-mail, didn't sign the letter.

He didn't see anything wrong with Dover's new science curriculum.

"I see this discussion centered on the 'Theory of Beginnings,' " he wrote to Brad Rehnberg and Karl Kleiner, the York College biologists who initiated the letter. "The Evolutionary Theory as a theory of chance and the Intelligent Design Theory as a theory of design."

Simmons, program director at York Hospital's School of Respiratory Therapy, isn't a physician and isn't a member of York College's biology faculty — points he makes clear — but he works closely with the department. Many of his students at the hospital are from York College and he sits in on many faculty meetings, he said.

Simmons wanted to point out that not everyone connected shares the views espoused in the letter. Two members of the college's biology faculty also declined to sign it.

"I believe that only through Christ that we are going to enter heaven. I believe in a literal heaven, I believe in a literal hell," Simmons said.

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Still, he said, he doesn't think teaching intelligent design constitutes religion. Rather, he said, he believes there is room for the concept in science class.

"Why shouldn't students be presented with both sides?" he asked.

Simmons would like to contact members of the Dover school board to tell them he agrees with their decision to include intelligent design in the school district's high school science curriculum. The decision has garnered attention from both supporters of the concept and those who argue that the move violates the First Amendment clause prohibiting the establishment of religion.

Even though he said he doesn't know Simmons well, Rehnberg said he wasn't surprised by his reaction.

But he disputes Simmons' desire to equate intelligent design as a theory comparable to evolution.

"Creationism/ID is nothing more than a perspective that involves supernatural phenomenon," he wrote in his response to Simmons.

Intelligent design proponents don't really contribute as scientists, Rehnberg said, contending "they are really looking in from the outside." To gain legitimacy, he said, they push the theory in public school districts.

Simmons disagrees. As a "Young Earth" creationist — he believes in the literal interpretation of Genesis — he said he still keeps an open mind on competing ideas.

When he was an undergraduate at Messiah College, a Christian school in Grantham, his professors were able to teach both sides of the issue, Simmons said.

"But they weren't shoving their faith onto their students," he added.

Ted Davis, a professor of religion and science at Messiah, acknowledges the private school is not hampered by the First Amendment prohibiting the teaching of religion.

But even with the First Amendment, Davis thinks there is room for teaching intelligent design — at least in a philosophical way.

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Letter criticizing Dover board has own critics - York Daily Record

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He said state education standards permit the discussion of issues of controversy in high school science classes, he said.

"It's one thing to advocate intelligent design," he said. "It's another thing to discuss what the controversy is about."

For instance, he said, the controversy surrounding abortion could be discussed in the classroom, as long as the teacher doesn't advocate either side.

"In same sense, the ID movement could be discussed in class," Davis said.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

DOVER CONTROVERSY

On Oct. 18, when its school board voted 6-3 to approve science curriculum changes, the Dover Area School District became the first school district in the country to require the teaching of the theory of "intelligent design" in high school biology class.

Intelligent design is the idea that life is too complex to have occurred randomly through evolution and therefore must have been created by a divine being.

Supporters of teaching ID say the issue is fairness -- giving time to alternative views.

Critics say ID is not science but merely a way of forcing religion into biology class.

Officials on both sides of the issue are bracing for a lawsuit on the grounds that the policy violates the separation of church and state.

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12/31/2004

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Copyright 2004
The York Dispatch (York, PA)

December 14, 2004 Tuesday

SECTION: TOP STORIES

LENGTH: 707 words

HEADLINE: Dover school suit due

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

The biology curriculum at Dover Area High School was expected today to prompt what would likely be the first U.S. lawsuit challenging the constitutionality of teaching **intelligent design** in a public school.

Opponents of the Dover Area School Board's decision to include the theory in the curriculum were expected to announce they are filing a federal civil rights lawsuit on behalf of 11 parents.

A statement released yesterday said the Dover parents believe "presenting '**intelligent design**' to students in public school violates their religious liberty by promoting religious beliefs to their children under the guise of science education."

The parents are represented by the American Civil Liberties Union of Pennsylvania, Americans United for Separation of Church and State and attorneys with the law firm of Pepper Hamilton, which has offices in Philadelphia and Harrisburg.

Yesterday's statement said the attorneys and clients would not be available for comment before a news conference this afternoon at the Capitol Building in Harrisburg.

School district officials and board members also could not be reached for comment.

What it is: Dover is believed the first school district in the nation to officially include **intelligent design** in its curriculum. The theory says life is too complex to be explained by an undirected process, such as natural selection, and must have been created by an "intelligent agent."

Critics say the intelligent agent is God and **intelligent design** is a veiled attempt to bring creationism --and religion -- into schools. They argue it is not a legitimate scientific theory and should not be given equal weight with the theory of evolution, which is well-tested and supported by evidence.

In 1987, the U.S. Supreme Court rejected the teaching of creationism in public schools as a violation of the separation of church and state.

Free legal aid in defense of the curriculum has been offered by the Thomas More Law Center, an Ann Arbor, Mich.-based public interest law firm that often defends Christians who say their rights have been violated.

However, those services will only cover defense attorney fees; if the district loses the lawsuit, the center will not cover the cost of the plaintiff's attorney fees, which ACLU representatives say could be "well into six figures."

The York Dispatch (York, PA) December 14, 2004 Tuesday

History of debate: The controversy began in Dover last June, when a new biology textbook, the 2004 edition of "Prentice Hall Biology," was up for approval. The book offended some board members because it teaches evolution without reference to creationism.

A divided board finally approved the biology text in August, with many board members still calling for an alternative theory to be taught alongside evolution.

In October, the board voted 6-3 to add the following words to the curriculum: "Students will be made aware of gaps/problems in Darwin's Theory of Evolution and of other theories of evolution including, but not limited to, **intelligent design.**"

The move came just two weeks after the district announced 60 copies of the **intelligent design** text "Of Pandas and People" would be included in biology classes as a reference text.

Then, in November, the district released a statement that said teachers would make students aware of **intelligent design** by reading, but would focus on teaching state science standards, which require the teaching of evolution.

However, the statement did little to satisfy critics or district science teachers, who say that they are unsure of how to answer student questions that may arise from any discussion of **intelligent design.**

Change prompted resignations: The curriculum change set off a firestorm of controversy that has gained national attention, with reporters from media as diverse as National Public Radio and "Nightline" reporting on the issue.

It also prompted longtime board members Jeff and Casey Brown to resign, saying that they feared a lawsuit.

Last week, a third school board member, Angie Zeigler-Yingling, who originally voted for the curriculum change, resigned. She said she regretted her vote and feared a costly lawsuit.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

LOAD-DATE: March 26, 2005



Dow Jones & Reuters

A Section

Creationism evolves into court fight ; Dover parents to sue over 'intelligent-design' mandate

CHARLES THOMPSON AND MARY WARNER

Of The Patriot-News

792 words

14 December 2004

Patriot-News

FINAL

A01

English

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York County is about to become the next battlefield in the long-running struggle over the teaching of evolution.

A battery of national civil liberties groups plans to join today with a knot of Dover Area School District parents to file a federal lawsuit aimed at blocking the Dover Area School Board's decision to teach "intelligent design" in a ninth-grade biology course.

The Dover board voted 6-3 in October to require teachers to present intelligent-design theory as an alternative to evolution, which must be taught under state academic standards.

Two of the dissenting board members, Carol Brown and her husband, Jeff Brown, resigned in protest after the vote.

Board member Angle Yingling, who originally voted for the policy, announced during a Dec. 6 board meeting that she intended to resign after she was unable to get the board to reconsider its decision.

Intelligent-design theory holds that the universe is so complex that it must have been created by an unspecified higher power.

Its champions say it provides an alternative argument to evolution, the generally accepted scientific principle that the Earth's species have diversified through time under the influence of natural selection.

Critics say the introduction of the intelligent-design theory moves classroom discussion from science to theology.

The 11 parents joining the federal lawsuit, expected to be filed today by lawyers from the American Civil Liberties Union and Americans United for the Separation of Church and State, contend the school board's decision violates their religious liberties "by promoting religious beliefs to their children under the guise of science education."

"I have no problem teaching creationism, but not as a science," one of those parents, Joel Leib of Dover Twp., said yesterday. "I learned my creation in Sunday school, and I learned my evolution in high school."

Spokesmen for the national groups would not comment yesterday on the Dover case.

The Dover board's action was spearheaded by board member William Buckingham, the chairman of the curriculum committee, who pushed for a "balanced presentation."

"I think it's a downright fraud to perpetrate on the students of this district to portray one theory over and over," he told The Associated Press this fall.

Karl Gorton, the chairman of the State Board of Education, saw the passions that evolution can evoke when he presided over the rewriting of statewide science standards in 2001.

"Clearly, there are two camps that are very heavily emotionally invested around the issue," he said.

State standards require the teaching of evolution, which Gorton and others note has withstood more than 100 years of analysis and questioning. But districts may teach other theories as long as they don't violate constitutional prohibitions against promoting religion in school.

Perhaps the best-known scientist in the intelligent-design movement is Michael Behe, a Lehigh University professor who

graduated from Harrisburg's Bishop McDevitt High School in 1969.

Behe agrees that living things evolved from common ancestors, but he says Charles Darwin's description of how evolution occurs -- natural selection among random mutations -- cannot explain the complexity he observes as a biochemist.

Behe spoke on the topic several years ago at the Evangelical Free Church of Hershey. The Rev. Dave Martin said yesterday that teaching **intelligent design** made sense to him.

"I personally believe the approach is based on science, starts with science," he said. "That's what differentiates it from creationism, which starts from Scripture."

Most scientists, though, have negative views of the **intelligent-design** theory. The American Association for the Advancement of Science declared in 2002 that **intelligent design** is about religion, not science, and doesn't belong in science classes.

Proposals to teach **intelligent design** began to reach school boards after the U.S. Supreme Court ruled in 1987 against teaching creationism as science in public schools. Dover's board is apparently the first to approve such a proposal, said Nicholas Matzke, a spokesman for the National Center for Science Education.

In recent weeks, Dover administrators have stressed they will not let their classrooms become a forum to "promote or inhibit" views about religion.

"The Dover Area School District wants to support and not discriminate against students and parents that do have competing beliefs, especially in the area of the origin-of-life debate," the district said in a statement last month. CHARLES THOMPSON: 705-5724 or cthompson@patriot-news.com MARY WARNER: 255-8267 or mwarner@patriot-news.com

PHOTO; JASON PLOTKIN; Caption: Jeff Brown and his wife, Carol Brown, resigned from the Dover Area School Board because they objected to the teaching of **intelligent design**.

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Intelligent design lawsuit coming

The ACLU, representing 11 parents, will announce its suit against the Dover school district at 1 p.m. today.

By LAUREL BO
Daily Record/Sunday News
Tuesday, December 14, 2004

Eleven parents plan to file a federal lawsuit today against the Dover Area School District over the teaching of intelligent design in ninth-grade biology class, the first of what some have predicted would be a series of costly legal actions.

The lawsuit states that "presenting 'intelligent design' to students in public school violates their religious liberty by promoting religious beliefs to their children under the guise of science education," according to a statement released by the American Civil Liberties Union Monday.

This is the first time a lawsuit — which will be discussed at a 1 p.m. Harrisburg news conference — has been filed over the issue of teaching intelligent design in public schools.

The ACLU, Americans United for Separation of Church and State and attorneys with the Pittsburgh-based Pepper Hamilton law firm are representing the parents.

Board member Bill Buckingham, who led the campaign to change the curriculum, did not return a phone call for comment. But Richard Thompson, president of the Ann Arbor-based Thomas More Law Center, which has agreed to represent the district for free, said his firm is "armed and ready."

"The shot was fired, and it's down range now," he said. "The board stands fast, and the Thomas More Law Center is ready to represent them."

Thompson accused the ACLU of being anti-free speech, arguing that it's up to the local school boards to establish the curriculum.

"What they are saying is you cannot teach anything contrary to Darwin's theory of evolution," he said.

The ACLU argues intelligent design — the concept that life is too complex to have occurred randomly and therefore must have been created by a divine being — amounts to

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Intelligent design lawsuit coming - York Daily Record

teaching religion in science class.

But Thompson, whose law firm champions issues such as school prayer and "promoting public morality," disagrees and said it's merely about presenting an alternative view.

"We've been ready for many years," Thompson said. "We were waiting for a school board that has enough courage to do what should be done."

When the Dover school board voted 6-3 in October to reword the ninth-grade biology curriculum, it became the first in the country to mandate the teaching of intelligent design. The revised curriculum includes the statement: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to Intelligent Design. The Origins of Life is not taught."

Since that vote, three board members have resigned in protest, citing concerns about legal action among their reasons.

In a column published in the York Sunday News on Nov. 28, Jeffrey Brown explained his reasons for resigning and said, "the Dover Area School District can't afford to both give its students the best education possible and make a lot of lawyers rich."

"Digging even deeper into the taxpayers' pockets to fight the Supreme Court shouldn't even be an option," he wrote.

Angie Yingling submitted her resignation on Dec. 6, telling fellow board members that changes needed to be made to avoid lawsuits that the board "knows" are coming.

"We've got our point across to the local, state and national levels," she told the board. "But taxpayers have told me they can't afford any lawsuits over this."

Until Yingling's resignation is put in writing and accepted by the board, she remains an active board member. That could change at the next meeting, scheduled for 7 p.m. on Jan. 3 at North Salem Elementary School.

"The lawsuits are coming," Yingling told the board. "And without me, there will be no one speaking on behalf of those that don't want to pay those bills. But I don't know if I want to stay on this ship. It's like being on the Titanic."

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12/31/2004

Intelligent design lawsuit coming - York Daily Record

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Everyone seems to see the iceberg, but no one is steering away."

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12/31/2004

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Copyright 2004
The York Dispatch (York, PA)

December 15, 2004 Wednesday

SECTION: TOP STORIES

LENGTH: 950 words

HEADLINE: Darwin v. 'Design' in Dover

BYLINE: CHRISTINA KAUFFMAN<cm-bd> <cm+bd>and HELDI BERNHARD-BUBB<cm-bd> *The York Dispatch*

BODY:

Beth Evcland said she plans to stay and fight.

Three board members of the Dover Area School Board have resigned in protest of the board's vote to include the controversial theory of **intelligent design** in the high school biology curriculum.

Intelligent design attributes the origin of life to an intelligent being and does not accept the theory of evolution regarding such origins.

But "running away isn't going to solve anything," she said.

The parent of a first-grader in the district said she knows there are plenty of other parents who feel the way she does. Moving -- and uprooting her child -- is not an option, she said.

The 35-year-old Dover Township woman was one of a group of 11 district parents to join a federal civil rights lawsuit filed against the district and its board yesterday in Harrisburg.

The parents contend the school board violated their children's religious freedom by including the theory of **intelligent design** in biology classes and making teachers read a disclaimer saying there are several "gaps" in the scientific research in the theory of evolution.

News conference explains suit: Several parents joined attorneys from Pepper Hamilton law firm, and members of the American Civil Liberties Union and Americans United for Separation of Church and State for a news conference yesterday in the Capitol building.

Their suit seeks an injunction to stop **intelligent design** from being referenced when high school biology students study evolution beginning next month, as well as its permanent removal from the curriculum. It is believed to be the first lawsuit in the county to challenge the teaching of **intelligent design** theory.

They group alleges the board introduced **intelligent design** because of its members' personal religious beliefs.

According to their lawsuit, the theory was created specifically as a science "consonant with Christian and theistic convictions" and designed to replace the banned creationism.

The lawsuit alleges that the Discovery Institute, which promotes the **intelligent design** theory, has argued for using the theory in a "Wedge Strategy" to "replace materialistic explanations with the theistic understanding that nature and human beings are created by God." And its proponents acknowledge it was part of a new strategy to get God into the schools.

The York Dispatch (York, PA) December 15, 2004 Wednesday

Dover parent Christy Rehm said she doesn't want her four children to learn "bad science," and she wants to teach religion to them herself.

"I have faith in ourselves as parents," she said. "I have faith in our church community; and I have faith in our community as a whole; I don't believe it is the job of the school to teach my children a religious viewpoint."

A high school English teacher with a master's degree in curriculum, Rehm said writing curriculum should be left to the teachers and district administrators who have expertise in those areas.

The board ignored protest from the science department over the inclusion of intelligent design in the curriculum, she said.

Rehm's husband, Bryan Rehm, is also a plaintiff in the suit. He once taught physics at Dover Area High School, but now teaches at New Oxford High School.

He recently sought to fill a vacant seat on the school board, but was turned down.

Former board member Barrie Callahan is also a plaintiff in the suit, though she was not present at the news conference.

She said later that the board's determination to move forward with its agenda had "forced her hand."

"It absolutely became a matter of conscience and doing the right thing" to pursue a lawsuit, she said.

Callahan has been a vocal critic of the board's actions regarding the biology curriculum. She served on the school board for seven years, losing a re-election bid in 2003.

Several parents said that although the suit has been filed, they still hope that the school board will change its mind.

"I really hope this doesn't have to go to trial," said Cynthia Sneath. "I hope the board reconsiders their position and pulls the curriculum."

Free legal aid limited: Though the school board has been offered free legal aid by the Thomas More Law Center, a Michigan-based public-interest law firm that often defends Christians who say their rights have been violated, federal law bars the center from paying for the plaintiffs' legal fees if the defense loses.

ACLU representatives have said their legal fees likely will hit "six figures."

Only one Dover school board member was present at the news conference. Angie Zeigler-Yingling, who submitted her resignation Dec. 6 over the intelligent design issue, said she is still a board member until the board's next meeting, when her resignation would be made final.

Zeigler-Yingling said in her remaining weeks as a board member that she was attempting to get four votes to revisit the curriculum and eliminate the controversial wording.

Yesterday, she said she hopes the board would call an emergency meeting to deal with the lawsuit and remove the curriculum so a costly lawsuit can be avoided. But, she said she doubts that will happen.

The board is expected to approve her resignation at its next meeting, Jan. 3.

Yingling voted in favor of the curriculum, but later changed her mind about the issue, saying she felt coerced by fellow board members.

Board members Jeff and Casey Brown —who opposed the board's decision -- resigned earlier this year, saying they feared a lawsuit.

Other board members were not present at the press conference and could not be reached for comment or did not respond to requests for comment.

-- Reach Christina Kauffman at 505-5434 or fman@yorkdispatch.com or ckuffman@yorkdispatch.com.

LOAD-DATE: March 26, 2005

151 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 15, 2004 Wednesday

SECTION: TOP STORIES

LENGTH: 585 words

HEADLINE: Creationism, evolution and the courts

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

and CHRISTINA KAUFFMAN

The debate over evolution didn't end in 1925 with the Dayton, Tenn., trial of science teacher John Scopes, who was prosecuted for teaching the theory of evolution.

During the last several decades, the debate has continued with anti-evolution movements assuming a variety of forms.

In the 1970s and 1980s, legislators throughout the country pushed for "equal time" laws that would require the teaching of "creation science" alongside evolution. Creation science was creationism, or the story of creation according to the Bible, recast in scientific terms.

Several equal time laws were successful until 1987, when the Supreme Court struck down one such law in the landmark case, *Edwards v. Aguillard*.

In that case, the Supreme Court ruled that Louisiana's law requiring the teaching of creation science "lacked a clear secular purpose" and violated the "establishment clause" of the First Amendment. That clause calls for the separation of church and state.

In Dover, the issue focuses on **intelligent design** -- a theory offered in the late 1980s that says an intelligent being is responsible for the origins of life. The theory has not yet been tested in court.

According to the lawsuit filed against the Dover Area School District, the **intelligent design** theory was created specifically as a science "consonant with Christian and theistic convictions." The lawsuit alleges that the Discovery Institute, which promotes the **intelligent design** theory, has argued for using the theory in a wedge strategy to "replace materialistic explanations with the theistic understanding that nature and human beings are created by God." And its proponents acknowledge it was part of a new strategy to get God into the schools.

ACLU representatives said the Dover board has "gone further" than any other school board when it put the curriculum in place.

Attorneys in the case against Dover say there is no distinction between creation science and **intelligent design** theory.

However, Richard Thompson of the Thomas More Law Center -- an Ann Arbor, Mich. public interest law firm that has offered to represent Dover free of charge -- said the decision in *Edwards v. Aguillard* also stated that teaching a variety of scientific theories might be validly done if the other theories have a clear secular purpose.

The York Dispatch (York, PA) December 15, 2004 Wednesday

Thompson said that intelligent design meets this standard because it makes students aware that there are problems with evolution.

"We are not saying that Genesis, or creationism, is the answer, we are going to teach evolution. But why not let students know that there is an evolution controversy," Thompson said.

Opponents of intelligent design say there is no evolution controversy and that the evidence, from the fossil record to modern genetics, supports evolutionary theory.

The Dover case is also likely to involve case law from the 1971 Supreme Court case *Lemon v. Kurtzman*, which established a test to determine whether a legislative act violates the separation of church and state.

The *Lemon* test consists of three prongs: The government's action must have a legitimate secular purpose; the government's action must not advance or inhibit religion; and the government's action must not result in an "excessive entanglement" of the government and religion.

Under the *Lemon* test, the Dover school board's motivation in adding intelligent design to the curriculum will be scrutinized as well as whether intelligent design theory has a legitimate secular purpose.

LOAD-DATE: March 26, 2005

150 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 15, 2004 Wednesday

SECTION: TOP STORIES

LENGTH: 384 words

HEADLINE: Claims made in the federal lawsuit

BODY:

A federal civil rights suit filed by parents of students in Dover Area School District yesterday claims that Dover Area School Board erred when it voted to put in place **intelligent design** curriculum in its high school biology classes.

The suit claims that:

--- The board's intention was religious because it decided to include the curriculum despite the objection of the high school science faculty.

--- The decision to accept the curriculum is in violation of the First Amendment's Establishment Clause, which prohibits the teaching or presentation of religious ideas in a public school.

--- Both authors of "Of Pandas and People," the book to be referenced by students in Dover, were advocates of Christian creation science. One author publicly acknowledged that his motive for writing the book was religious.

--- "Of Pandas and People" is published by the Foundation of Thought and Ethics, which describes itself as a Christian think-tank.

--- Board member William Buckingham said that the board was looking for a book that offered a "balance" between Darwin's theory of evolution and the biblical view of creation. He said there need not be any consideration for the beliefs of Hindus, Buddhists or other competing faiths because "This country was founded on Christianity, and our students should be taught as such."

--- Buckingham, the board's leading proponent of the curriculum, said on the night of the vote Oct. 18, "Two thousand years ago, someone died on a cross. Can't someone take a stand for him?"

--- When board members Jeff and Carol "Casey" Brown resigned from the board after voting against the resolution, Carol Brown read a statement saying that other board members asked her if she was "born-again."

--- When board member Angie Ziegler-Yingling announced she was resigning from the board, she said she regretted voting for the curriculum and did so only because other board members accused her of being an atheist.

--- Students will be told about "gaps" in the scientific research about the theory of evolution but not about any flaws or weaknesses in **intelligent design**.

--- Dover's administration would have to monitor teachers to make sure they don't identify "God" as the "intelligent agent" or "designer" when students ask questions about **intelligent design**.

LOAD-DATE: March 26, 2005

Design vs. Darwin hits home



All parents AGF-E sue Dover schools over curriculum

BY CHRISTINA KAMPHREAN
The parents of two children in Dover, N.J., have filed a lawsuit against the school district, claiming that the school board violated their children's religious freedom by including the theory of intelligent design in biology classes and making teachers read a disclaimer saying that, as a result of research in the theory of evolution, the theory of intelligent design is a viable scientific theory.

The parents of two children in Dover, N.J., have filed a lawsuit against the school district, claiming that the school board violated their children's religious freedom by including the theory of intelligent design in biology classes and making teachers read a disclaimer saying that, as a result of research in the theory of evolution, the theory of intelligent design is a viable scientific theory.

The parents of two children in Dover, N.J., have filed a lawsuit against the school district, claiming that the school board violated their children's religious freedom by including the theory of intelligent design in biology classes and making teachers read a disclaimer saying that, as a result of research in the theory of evolution, the theory of intelligent design is a viable scientific theory.

History of controversy filed

The controversy over intelligent design began in Dover, Pa., when a new biology textbook, the 2004 edition of "Biology," was adopted by the school board.

(Continued from Page A1)

DESIGN Lawsuit

(Continued from Page A1)

Jim Groves and others heard at news conference

A news conference was held in Dover, Pa., on Wednesday, Dec. 15, 2004, to discuss the lawsuit filed by the parents of two children in Dover, N.J., against the school district.

Who is suing?

The lawsuit was filed by the parents of two children in Dover, N.J., against the school district.

AB THE YORK DISPATCH, WEDNESDAY, DECEMBER 15, 2004

FROM PAGE ONE

149 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 16, 2004 Thursday

SECTION: TOP STORIES

LENGTH: 118 words

HEADLINE: Dover mum on lawsuit

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

The Dover Area School District's superintendent says the district will not respond formally to the lawsuit filed Tuesday over **intelligent design** in the biology curriculum until the board and administrators have met with their solicitor and insurance carrier.

"We have no official comment at this time, but our solicitor Stock and Leader is reviewing the case filed against the district, and we will be meeting to decide our next action," superintendent Richard Nilsen said yesterday.

Eleven parents Tuesday filed a lawsuit against the district in federal court in Harrisburg, saying the board violated their children's religious freedom by including the theory of **intelligent design** in biology classes.

LOAD-DATE: March 26, 2005



Dow Jones & Reuters

Local/State

ACLU, 11 residents file suit to block 'intelligent' theory

JAN MURPHY

Of The Patriot-News

615 words

15 December 2004

Patriot-News

FINAL

B01

English

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Tammy Kitzmiller wants her Dover Area High School ninth-grader to learn scientific explanations for the origin of life in science class, not religious ones.

But the Dover Area School Board has decided biology teachers will teach students about holes in Darwin's theory of evolution and present information about **intelligent design**, a theory that holds the universe is so complex that it must have been created by a master intellect.

That decision is now the subject of a lawsuit that Kitzmiller and 10 other Dover-area residents filed yesterday in U.S. Middle District Court. They maintain the policy was adopted for religious reasons and not to improve science education.

The lawsuit is believed to be the first time the court has been asked to weigh in on the teaching of **intelligent design** in public school classrooms.

The lawsuit claims the district's policy and use of a textbook promoting the theory violates the U.S. Constitution by "subjecting their children to an unwelcome governmental endorsement of religion."

It also argues that the policy violates rights in the state constitution that deal with the separation of church and state. And it points to a 1987 U.S. Supreme Court decision banning the teaching of creation science.

A lawyer who has offered to represent the district for free maintains Dover's policy is not unconstitutional.

Richard Thompson of the Thomas More Law Center, a public interest law center that promotes conservative Christian and family values in Ann Arbor, Mich., said Dover's policy does not promote the teaching of creationism.

Dover teachers will continue to teach about evolution under the policy, he said, but now will supplement that instruction with "the controversy surrounding evolution."

While the lawsuit may be a first, Witold Walczak of the American Civil Liberties Union said, "we fear it is certainly not the last."

Battles were waged in about 20 states last year over the teaching of some form of creationism, said the Rev. Barry Lynn, executive director of Americans United for Separation of Church and State.

Carl Jarboe, a former chemistry professor from Lebanon, intends to carry the banner next year. He came to yesterday's news conference armed with a sign proclaiming "ACLU Censors Truth" to support Dover's position.

Lynn's group, along with attorneys for the ACLU and the Philadelphia-based law firm of Pepper Hamilton, are representing the parents in the lawsuit free of charge.

Walczak said that if the parents win the suit, they will ask the court to order the district to pay their court costs, which could be high.

Thompson said threats such as that have intimidated other school boards from taking the step that Dover has.

"Dover happens to be the school district that didn't back off after all these threats," he said.

If the board stands fast, Waizack said, lawyers for the parents will "strongly consider" seeking an injunction to prevent teachers from carrying out the board's policy when the origin of life is scheduled to be taught next year. JAN MURPHY: 232-0668 or jmurphy@patriot-news.com INFOBOX: DIFFERING VIEWS

* **CREATIONISM:** As described in the book of Genesis, God created plants, animals and humans fully developed.

* **EVOLUTION:** All species evolved naturally from a common ancestor over eons, through random mutation and environmental adaptation.

* **INTELLIGENT DESIGN:** Natural processes cannot adequately explain the complexity of life. It implies the work of a supernatural intelligence.

AN INFOBOX APPEARS AT THE BOTTOM OF THIS STORY.

PHOTO: GARY DWIGHT MILLER; Caption: Tammy Kitzmiller and her lawyer, Stephen Harvey, talk about the lawsuit filed yesterday.

Document PATHAR0020041215e0c/00004

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Parents defend lawsuit

By LAURIE LEBOW
Daily Record/Sunday News
Wednesday, December 15, 2004

A year ago, Steven Stough would never have expected to be standing before a throng of television cameras announcing his involvement in a First Amendment lawsuit.

But that was before the Dover Area School District changed its science curriculum to require the teaching of intelligent design — the concept that life is too complex to have occurred randomly and therefore must have been created by a divine being.

A science teacher in southern York County, Stough doesn't want his daughter, who will be taking ninth-grade biology next year, to be taught in science class what he believes is a religious-based belief.

So Stough contacted the American Civil Liberties Union and, on Tuesday, he joined 10 other parents in suing the Dover district and Dover Area School Board.

The ACLU's Pennsylvania chapter, along with Americans United for Separation of Church and State and the Philadelphia-based law firm of Pepper Hamilton, filed the lawsuit on the parents' behalf.

The lawsuit is the first one in the nation challenging the teaching of intelligent design in the public schools.

The parents in the lawsuit all have diverse religious beliefs, said Eric Rothschild, a lawyer with Pepper Hamilton. Several of the plaintiffs identify themselves as Christian and say they are active in their churches. But they are all "motivated by the desire for sound science in their children's class," Rothschild said.

In announcing the lawsuit, ACLU's state legal director

order photo reprint



Paul Koehn - YDR
Witold Walczak, legal director for the Pennsylvania American Civil Liberties Union, opens a press conference Tuesday by announcing a lawsuit filed on behalf of 21 parents of the Dover Area School District. In the background is Dr. Carl Jarboe, of Lebanon, who came to voice his opposition to the ACLU lawsuit.

bigger version & more photos (2)

Witold Walczak called the Dover Area board's decision the latest chapter in the ongoing battle against evolution science, which dates back almost 80 years to Tennessee's Scopes "Monkey Trial."

The concept of intelligent design emerged only two years after the U.S. Supreme Court struck down, in 1987, the teaching of "scientific creationism" in public schools, Walczak said.

The same people behind scientific creationism came up with the idea of intelligent design, which Walczak called "creationism stripped down of all references to God."

"Teaching students about religion's role in world history and culture is proper, but disguising a particular religious belief as science is not," Walczak said. "Intelligent design is a Trojan Horse for bringing religious creationism back into public school science classes."

The Rev. Barry W. Lynn, Americans United Executive Director, said, "There is an evolving attack under way on sound science education, and the school board's action in Dover is part of that misguided crusade."

Supporters of the teaching of intelligent design say the concept is merely about presenting an alternative view to the theory of evolution.

But the lawsuit states the board's decision was religiously motivated.

"The leading proponent on the Board of the October 18 resolution (Bill Buckingham) stated during the Board's discussion of the biology curriculum, 'Two thousand years ago, someone died on a cross. Can't someone take a stand for him?'"

In the past two weeks, Buckingham has not returned calls for comment. Board President Sheila Harkins and former board president Alan Bonsell also did not return phone calls.

But Richard Thompson, president of the Ann Arbor-based Thomas More Law Center, which has offered to represent the district for free, said he would look forward to tearing apart in court the plaintiffs' argument of religious motivation.

"You cannot shackle the rest of the school board with that one statement," he said.

Thompson, whose law firm champions issues such as school prayer and "promoting public morality," said "there is nothing wrong with having a religious intent with legislation having a secular purpose."

Buckingham has a constitutional right to say what he wants "and he shouldn't back away from that," Thompson said, "but that doesn't make the legislation a violation of the (First Amendment) establishment clause."

Many of the other parents who filed suit were reluctant to discuss their children's feelings about the case, fearing repercussions against them.

Deb Femimore, who has two children in the district, one in 12th grade and one in seventh, said she fears the board would do something vindictive against her family.

"The board has already ostracized other members of this community," she said. "But if they are as Christian as they say they are, nothing should happen to me or my child."

Stough said he is also concerned.

"Of course I'm worried," Stough said about how his daughter's school friends will react to the news.

But he has faith in his daughter.

"She knows when to turn and walk away," he said.

Even though his daughter is not yet 14, Stough said, when he first approached her about filing suit, she was already well informed about the case and had concerns regarding church and state issues.

"You can't be in Dover and can't not be talking about it," he said.

And after the press conference, Stough said he planned on picking up his daughter from school and taking her to dinner.

He said the two had a lot more to talk about.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

P 01413

12/31/2004

EVOLUTION OF AN ISSUE

The sides

The issue: Intelligent design is the idea that life is too complex to have occurred randomly — or through Darwin's theory of natural selection — and therefore must have been made by the hand of a divine creator.

For ID: Supporters of teaching ID say the issue is fairness — giving time to alternative views.

Against ID: Critics say ID is not science but rather an attempt to introduce creationism through the back door and violates the separation of church and state.

Creationism in the courts: The U.S. Supreme Court last ruled on the subject in 1987, when it determined a Louisiana law requiring creationism be given equal time to evolution was unconstitutional "because (the law) lacks a clear secular purpose." The concept of intelligent design emerged after the 17-year-old ruling, and its teaching in the schools has not yet been addressed by the courts.

Timeline

Aug. 2: The Dover Area School Board approved the book, "Biology" by Prentice Hall, for use in science classrooms after first deadlocking on the issue.

Board member William Buckingham said he did not want the text to be approved unless the board would also approve a second "companion" book called "Pandas and People," which is about Intelligent Design Theory.

Buckingham is the lead proponent of teaching intelligent design alongside evolution.

Early October: Dover Area Supt. Richard Nilsen approved the donation of 50 copies of "Of Pandas and People," published by the Foundation for Thought and Ethics, as a reference book for the classroom. Because the book was labeled as reference, its use in the classroom did not require an approval vote by the board.

Oct. 18: In a 6-3 school board vote, the Dover Area School District became the first school district in the country to require the teaching of intelligent design in high school biology class.

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12/31/2004

top

THE PLAINTIFFS

Eleven plaintiffs in the federal lawsuit against Dover Area School District are suing the district over its decision to make intelligent design part of the science curriculum. All send or, in the case of preschoolers, plan to send their children to district schools:

- Tammy J. Kitzmiller, parent of children in ninth and 11th grades;
- Bryan and Christy Rehm, parents of children in eighth and second grades and kindergarten, and parents of a preschooler;
- Deborah F. Fenimore and Joel A. Leib, parents of children in 12th and seventh grades;
- Steven Stough, parent of a child in eighth grade;
- Beth A. Eveland, parent of a first-grader and a preschooler;
- Cynthia Sneath, parent of a first-grader and a preschooler;
- Julie Smith, parent of a 10th-grader;
- Arlene "Barrie" D. and Frederick B. Callahan, parents of a 10th-grader; Barrie is a former Dover Area School Board member.

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12/31/2004

She hopes for change - YORK DAILY RECORD

She hopes for change

Board member Angie Yingling said she will try one more time to avoid a lawsuit.

By LAURI LEBOW
Daily Record/Sunday News
Wednesday, December 15, 2004

Angie Yingling took a front-row seat at Tuesday's press conference announcing the lawsuit against the Dover Area School District.

The Dover Area School Board member said she wasn't happy to be there.

"I want it to go away," she said as television crews stepped around her, setting up cameras and microphones.

But as attorneys discussed details of the lawsuit at the state Capitol Rotunda in Harrisburg, Yingling furiously scribbled notes, gathering information for her new battle with her fellow board members, she said.

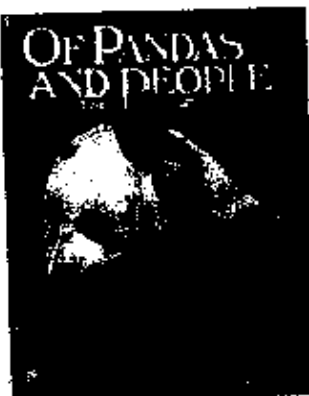
Yingling stepped into the center of the fray over intelligent design earlier this month when she tried to resign from the school board.

In October, Yingling had voted in favor, along with a majority of her fellow board members, of requiring the teaching of intelligent design in high school biology class.

But last week, she announced she had changed her mind — saying she was misled — and tried to quit the school board after she couldn't get anyone to agree to take another look at the decision.

At the meeting, she warned that changes were needed to avoid lawsuits that the board knew was coming and that taxpayers couldn't afford.

As she predicted, 11 parents filed suit against the district Tuesday. The American Civil Liberties Union, Americans United for Separation of Church and State and the



Submitted
"Of Pandas and People" Copies
were donated to the school
district.
bigger version

P 01416

12/31/2004

Philadelphia-based law firm of Pepper Hamilton are representing the plaintiffs.

While Yingling might now be the board's lone dissenter in the intelligent design debate, she doesn't know if she can remain on the school board.

"I don't know if I will be able to," she said. "And you know why — the pressure."

Because the board wouldn't accept Yingling's resignation, she now has one more chance to change board members' minds at the Jan. 3 board meeting — when she plans to request a motion to revisit the issue.

Dover's ninth-grade biology class is expected to reach the unit addressing evolution some time next month.

But Eric Rothschild, an attorney for Pepper Hamilton, said at the press conference he hopes the issue is resolved before an injunction is necessary to stop the teaching of intelligent design as an alternative to evolution.

He called on board members to vote again, and this time, Rothschild said, make "an informed and enlightened" decision.

Now, Yingling said, if she can just get four board members to agree with her, the lawsuit could be dropped, she said. But she doesn't hold out much hope.

She said she has tried to contact her colleagues, but has had little luck garnering support.

Dover Area board President Sheila Harkins and board members Alan Bonsell and Bill Buckingham did not return phone calls for comment on the lawsuit.

But as lawyers discussed whether Dover will "agree to go to battle," Yingling whispered, "I can tell you, they're gonna."

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

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12/31/2004

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York Daily Record (PA)

December 15, 2004

Section: MAIN

Page: 01, 06

Timeline

Article Text:

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Record Number: MERLIN_771289

P 01418

12/31/2004

THE PLAINTIFFS

York Daily Record, York, Pa.: Dec 15, 2004. pg. 1

Abstract (Document Summary)

-- Beth A. Eveland, parent of a first-grader and a preschooler;

-- Cynthia Sneath, parent of a first-grader and a preschooler;

-- Aralene "Barrie" D. and Frederick B. Callahan, parents of a 10th-grader; Barrie is a former Dover Area School Board member.

Full Text (154 words)

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Eleven plaintiffs in the federal lawsuit against Dover Area School District are suing the district over its decision to make intelligent design part of the science curriculum. All send or, in the case of preschoolers, plan to send their children to district schools:

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-- Cynthia Sneath, parent of a first-grader and a preschooler;

-- Julie Smith, parent of a 10th-grader;

-- Aralene "Barrie" D. and Frederick B. Callahan, parents of a 10th-grader; Barrie is a former Dover Area School Board member.

Credit: York Daily Record

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Section: *MAIN*

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Copyright 2004
The York Dispatch (York, PA)

December 16, 2004 Thursday

SECTION: HANK MERGES

LENGTH: 710 words

HEADLINE: Carolers prepare for 157th night of song

BYLINE: HANK MERGES *Dispatch*

BODY:

For the 157th Christmas, the hills of Glen Rock will be alive with carols through the night.

Decked in Dickens-era greatcoats, capes and top hats, the Glen Rock Carolers will stroll the streets from midnight until dawn on Christmas Day. Whatever the weather, be it rain, snow or bitter cold, the Christmas tradition, among the oldest in America, will continue.

But first, they'll present a concert at 11 p.m. Christmas Eve in Zion Lutheran Church.

Veteran members of the prestigious group include: **Mark Kroh**, who at age 91, has been singing for 75 years; **James Kroh**, singing for 70 years; **Bud Shepperd**, 63 years; and **Rodger Smith**, 59 years. Joining this select group is **Don Slonaker**, with 50 years of caroling to his credit.

Darryl J. Engler has been directing the carolers for 21 years.

Incidentally, a Chinese TV crew has just filmed this hearty band of 50 men as part of its plans to show Christmas in small-town America.

--
Santa will be cruising the area on Sunday, but he won't be on a sleigh. Instead, he'll be riding a motorcycle, and, weather permitting, dozens more bikers will be with him.

Their mission: Delivering toys to kids.

"Friends Who Ride For Friends" they call themselves. Each year since 1987, they contribute money to buy presents for the children linked to refugees such as Access-York, The Lehman Center and Human Life Services.

Any motorcyclist is invited to join this event. Coordinator **Tom Meisenbach** says they'll rendezvous at the York Motorcycle Club, 2337 Whiteford Road. Then, at noon, they'll roar off with a motor police escort along the Santa trail.

--
Dover appears destined to be in the national news for some time to come. Its school board is the target of the ACLU and others trying to torpedo a decision introducing "intelligent design" into the existing evolution-only curriculum. What is quite surprising is that taxpayers unwittingly help to finance the ACLU. If a community won't cave to its demands, and if it wins the case, taxpayers get stuck with paying ACLU lawyers' fees.

The Dover case, first of its kind in the nation, could eventually reach the U.S. Supreme Court.

--

The York Dispatch (York, PA) December 16, 2004 Thursday

Newly ordained Bishop **Kevin C. Rhoades** will celebrate a Mass at 11 a.m. Sunday at St. Patrick's, where he was once stationed as a young priest. He'll return to York on Jan. 26 for an official visit to St. Joseph's.

What kind of a man is he? Very bright, very humble, very caring and relaxed, observers say, adding that he can wear a baseball cap as comfortably as his new miter.

What inspired **Nelson Mandela**, the hero of South Africa and much of the world? Christmas brings to mind his thought: "We were born to make manifest the glory of God within us."

Christmas is the time of year, the humorist notes, when even the strongest men get emotional over family ties ... especially if they have to wear them.

OneMillionMoms.com, which reacts to what it considers offensive TV programming, reports that McCormick, Lenscrafters, Radio Shack and Papa John's have withdrawn ads from "Life as We Know it." Also, Kellogg and Leapfrog have dropped "Desperate Housewives."

According to a Scripps clinic survey, the holiday season is likely to leave many Americans 5-10 pounds heavier, thanks to indulging in too many high-fat foods.

Party-time is here ... MADD suggests you not serve alcohol to guests during the last 90 minutes of festivities.

St. John Episcopal Church reports that its freezer sale netted \$6,000 for its programs.

Brownies and Cubs Scouts are learning to ski this weekend at Ski Roundtop.

Christmas gift from the city ... free parking tomorrow.

For your enjoyment ...

---**Wanda Stevenson Ashby** and Friends ... Christmas concert, 7:30 p.m. Saturday, Bethany UM Church.

---The Spirit of Christmas ... songs of the season, Iris Dramatic Society, 7 p.m. Sunday, St. Mary's.

---Christmas Magic ... 6-9 week nights, 5-9 weekends, Rocky Ridge.

---Model RR Exhibit ... 1-5 p.m. Sundays through Dec. 26, 381 Wheatfield St.

Columns by Hank Merges, a local writer, appear Tuesday and Thursday in The York Dispatch. Reach Hank at hmerges@yorkdispatch.com or 854-1575.

LOAD-DATE: March 26, 2005

District officials consider suit, ponder response - YORK DAILY RECORD

District officials consider suit, ponder response

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Sunday, December 19, 2004

After almost seven months of talk about intelligent design theory, the Dover Area School District has gone silent.

The only public statement is posted on the district's Web site:

"The Dover Area School District Board of Directors, Administration, and the District's solicitor and insurance carrier currently are reviewing the legal action filed Tuesday against the Dover Area School District in connection with its revised ninth grade Biology curriculum. As of this time, no action has been taken with respect to the case other than to refer the matter to the District solicitor.

"Until the District solicitor has had full opportunity to review the ACLU's action and to consult with the Board and Administration, there will be no formal statement or response. All statements, actions, and decisions will be posted on the Dover Area School District website (<http://www.dover.k12.pa.us>). At this time, no administrator will provide additional comments, interviews, or information."

On Tuesday, 11 district parents sued the district over the Oct. 18 curriculum change that made the teaching of "intelligent design" possible in biology. Students are to begin taking the course under the revised curriculum next month.

The parents are being represented by the Pennsylvania Chapter of the American Civil Liberties Union, Americans United for Separation of Church and State and the Philadelphia-based law firm of Pepper Hamilton.

As of Saturday, it was still undecided who would be representing the school district. The district has scheduled a meeting Monday to address the issue.

Though the solicitor is reviewing the suit, school board member and curriculum chair William Buckingham has said the Thomas More Law Center of Ann Arbor, Mich., would defend the school board's decision, for free.

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District officials consider suit, ponder response - YORK Daily Record

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Neither Thomas More nor the district's solicitor, Stock and Leader of York, have filed any defense motions.

"We know them from their Web site only," Tom Schmidt of the ACLU in Pittsburgh said of the Michigan firm. Eric Rothschild of Pepper and Hamilton said the same.

Thomas More's Web site states the firm is "a not-for-profit public interest law firm dedicated to the defense and promotion of the religious freedom of Christians, time-honored family values, and the sanctity of human life. Our purpose is to be the sword and shield for people of faith, providing legal representation without charge to defend and protect Christians and their religious beliefs in the public square."

No one at Thomas More could be reached to discuss why it is representing the Dover school district.

On Friday, the Thomas More site announced the firm was suing two school districts in New Jersey on behalf of parents.

The suit contends that the districts of South Orange and Maplewood were violating the civil rights of two students through the districts' ban on traditional Christmas music. The lawsuit was filed on behalf of Michael Stratechuk and his two children, who are students in those districts.

One parent in the Dover Area School District, Deb Fenimore, said her family's civil rights were being violated because of the faith-based intelligent design addition in science.

"I would support it as an elective where students choose to take the class and know what they are getting into," Fenimore, who is one of the 11 suing the district. "Otherwise, science theory, not religious-faith theories, should be taught in science."

Lawyers working for the Dover parents have not said what their next step will be. On Tuesday, Schmidt said, there will be a status conference in federal court in Harrisburg.

"Other than that, we will not make any comments," Schmidt said.

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Some allies question Dover board's policy

'Intelligent design' backer sees problems in the wording

By LAURA LEBOW
Daily Record/Sunday News
Sunday, December 19, 2004

While the Dover Area School District gears up for a legal fight over the teaching of "intelligent design," it is doing so without the blessings of some of the concept's biggest supporters.

Last week, on the same day 11 parents filed a federal lawsuit against the district, the Discovery Institute urged the school board to drop its battle. The Seattle-based Discovery Institute, which backs scientists studying intelligent design, is the country's leading proponent of the concept.

"Dover's current policy has a number of problems, not the least of which is its lack of clarity," according to a statement it released Tuesday morning.

"The policy's incoherence raises serious problems from the standpoint of constitutional law."

Dover's policy, which was approved on a 6-3 board vote in October, states: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to, intelligent design. Note: Origins of life will not be taught."

Intelligent design is the idea that life is too complex to have occurred randomly and therefore must have been designed by an intelligent creator.

The Discovery Institute says science cannot determine the identity of the creator, or "intelligent cause," as it states on its Web site.

John West, associate director for Discovery's Institute for Science and Culture, said it was necessary to issue a statement because the media has been confusing Dover's policy with Discovery's goals.

"We were being lumped together with trying to teach intelligent design," West said.

Attorneys involved in the case aren't sure what to make of

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the announcement, which appeared to be timed to coincide with Tuesday's news conference announcing the federal lawsuit. "We've been scratching our heads," said Vic Walczak, legal director for the Pennsylvania's American Civil Liberties Union.

While Walczak declined to speculate on what it meant, he said, "I certainly don't think it's good for Dover."

In addition to the ACLU, Americans United for Separation of Church and State and the Philadelphia-based law firm of Pepper Hamilton filed the lawsuit in U.S. Middle District Court in Harrisburg on the parents' behalf.

The suit is the first one in the nation challenging the teaching of intelligent design in the public schools, the ACLU said.

"Although we think discussion of intelligent design should not be prohibited," West said in the statement, "we don't think intelligent design should be required in public schools."

The Discovery Institute has opposed the district's curriculum change since it took place Oct. 18.

Before the board voted, Discovery staff told board members they should not take the step of making intelligent design part of the curriculum. Since then, West said, Discovery staff has spoken privately with district officials and told them to reconsider.

"We have tried to communicate our view to the board," he said.

But in the lawsuit, the Discovery Institute is mentioned as an organization that has promoted replacing the "theory of evolution in public classrooms with so called 'science' that is 'consonant with Christian and theistic convictions.'"

West said the piece to which the suit referred came from a Discovery Institute fund-raising letter that had nothing to do with intelligent design.

West said the Discovery Institute takes the position that evolution should be taught in the public schools, "but it should be taught robustly," including the controversies.

He said teaching the concept of intelligent design in public

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schools is premature.

"It's still working its way through academic debate," West said.

But Nick Matzke, a spokesman for the National Center for Science Education, which defends the teaching of evolution, said he thinks the Discovery Institute is concerned the Dover case will not win in court — possibly killing future attempts at getting intelligent design into the public schools.

The National Center for Science Education is working pro bono as a consultant for the plaintiffs' attorneys on the science and science education aspects of the Dover case, Matzke said.

In addition to the Discovery Institute, another leading proponent of intelligent design also criticized the Dover school board.

Phillip Johnson, a Berkeley law professor and author of "Darwin on Trial" told the San Francisco Chronicle recently that he thinks the board's decision was ill-advised.

Requiring intelligent design to be taught raises "the buzzword problem," he told the Chronicle. "It's the problem of stirring up the automatic reaction from the lobbies that exist to protect Darwinism and have great influence with the media. You get this 'religious fanatics are trying to censor science again' kind of coverage."

Attempts to reach Johnson were unsuccessful. His secretary at Berkeley said he was ill and would not be available for interviews for several weeks.

Dover school board members Bill Buckingham, Alan Bonsell and Sheila Harkins did not return phone calls for comment.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

Meeting Monday

The Dover Area School Board is holding a special meeting at 7 p.m. Monday to take action on legal representation regarding the federal lawsuit filed over the teaching of "intelligent design." The meeting is to be held at North

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Some times question Dover board's policy - York Daily Record

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Salem Elementary School, 5161 North Salem Church Road
in Dover.

[top](#)

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INTELLIGENT DESIGN; Board to meet today

York Daily Record. York, Pa.: Dec 20, 2004. pg. 1

Abstract (Document Summary)

The Dover Area School Board is holding a special meeting at 7 p.m. today to take action on legal representation regarding the federal lawsuit filed over the teaching of intelligent design.

Full Text (96 words)

Copyright (c) 2004 York Daily Record

The Dover Area School Board is holding a special meeting at 7 p.m. today to take action on legal representation regarding the federal lawsuit filed over the teaching of intelligent design. The meeting is to be held at North Salem Elementary School, 5161 North Salem Church Road in Dover.

"Monday's meeting is to approve the law firm. That is the only thing on the agenda," said Heather Geesey, school board vice president.

Eleven parents filed the lawsuit last week to fight the board's decision to add intelligent design to the ninth-grade curriculum.

Credit: York Daily Record

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Church backs Dover board

Members of Harmony Grove Community Church signed a petition backing the teaching of intelligent design.

By KAREN MULLER
Daily Record/Sunday News
Monday, December 20, 2004

Lights twinkled on an evergreen tree and from window wreathes dressed in gold Sunday at Harmony Grove Community Church in Dover Township.

order photo request



Paul Kuchel - YDR

'Twas six days before Christmas, and the congregation stood to sing "Joy to the World" and "The Birthday of a King."

Larry Reaser gives the children's sermon Sunday at Harmony Grove Community Church in Dover Township. Church members said they supported Bill Buckingham's fight for the teaching of intelligent design in the Dover Area School District.

bigger version & more photos (2)

"You chose fisherman to follow you. You chose shepherds," the Rev. Robert Mignard prayed after sharing the story of the Christ child born in a manger. "You came to the masses ... We thank you, O God, for the breadth of your love for us."

A charismatic preacher founded the independent, fundamentalist church in the 1950s. Church beliefs include the authority and inerrancy of the Bible, that God created man and that God's people are born again.

The church's welcome packet said it follows Matthew 28:19-20, that begins, "Go therefore and make disciples of all the nations." The church supports nearly 50 missionaries, some of whom are members of Harmony Grove.

This is the worship home of a Dover Area School District board member who's fighting for his convictions on an issue in which all Christians don't agree.

The school district and William Buckingham, board member and curriculum chair, continue to draw national attention since Tuesday, when 11 parents filed a federal lawsuit against the district for revising the ninth-grade biology curriculum to include intelligent design. The idea is that life is too complex to have occurred randomly and must have been designed by an intelligent creator.

Buckingham didn't go to church Sunday, so he didn't hear

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the church pray that God would guide him and give him wisdom. He wasn't there to see about a dozen people signing a petition supporting the teaching of intelligent design to Dover Area students.

The petition also circulated at Dover Assembly of God, but didn't show up at Calvary Lutheran Church in Dover.

The Rev. John Woods of Calvary Lutheran said if he had been asked to sign, he would have refused.

Intelligent design is just another way to package creationism, which shouldn't be taught in public schools, he said.

He hears people say, "We need to get God back into the schools," and he doesn't believe God ever left, he said.

People can pray anytime, and the spirit of God goes everywhere, he said.

"No matter what happens, it is going to cost the school district and the taxpayers money," Woods said. "If the kids want to be taught something like this, let them find out in a church setting where it belongs."

David Miller, member of Harmony Grove's consistory and an elder, said the church isn't embarrassed or ashamed of Buckingham's stand against evolution.

On Sunday, he invited the church to pray about it, then sign the petition if they felt led by God.

Phil Miller and his wife, Marie, signed the petition.

"I think Bill's a good, solid man," Phil Miller said after the service. "And you know where he is coming from and what he believes in. ... I think Bill has a burden for the young people."

Phil Miller, a 1952 graduate of Dover Area High School, remembered when the school day started with the "Pledge of Allegiance," followed by the reading of 10 Bible verses and the recitation of "The Lord's Prayer."

Buckingham and the Dover Area School Board are on his prayer list, he said.

As he spoke, church members turned off the Christmas

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lights and closed the church until the next service — Christmas Eve.

The Millers removed their two children from public school after their daughter finished second grade, Marie Miller said.

The children graduated from the Christian School of York.

"Moving our children to Christian school was not because we wanted out of public school but because we wanted them to hear the truth," she said. "... We really felt the Lord guiding us to make the change."

Reach Karen Muller at 771-2024 or kmuller@ydr.com.

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Dover board picks More legal team

The Michigan-based law center promotes itself as a defender of Christian freedoms.

By LAURIE LEBBO
Daily Record/Sunday News
Tuesday, December 21, 2004

One day before its first appearance in court, the Dover Area School Board appointed a legal team to represent the district in its battle over intelligent design.

The Michigan-based Thomas More Law Center, which touts itself as a defender of Christian freedoms, has agreed to represent the Dover district for free. And after listening to members of the public urge them to hold off on hiring legal representation at a special meeting Monday night, board members voted 7-0 to take the law center up on its offer.

Former school board member Jeff Brown asked how the district intends to argue that intelligent design isn't about forcing religion into science class — as its critics assert — when it hires a law firm which "exists pretty much solely to promote Christian religion.

"Their stated purpose pretty much precludes us from winning this case," Brown said.

Brown, and his wife Carol "Casey" Brown both resigned in protest from the school board Oct. 18, following a 6-3 vote to revise the district's science curriculum to require the teaching of intelligent design in ninth-grade biology class.

Intelligent design is the idea that life is too complex to have evolved randomly through natural selection and therefore may have been designed by an intelligent creator. It's proponents say its merely about presenting an alternative argument to the theory of evolution.

A week ago, 11 parents filed a federal lawsuit against the school district, arguing the requirement violates the First Amendment by requiring "teachers to present to their students in biology class information that is inherently religious, not scientific, in nature."

But Richard Thompson, president of Thomas More, said the fact that the law firm champions Christian values has no bearing on the case. "The Dover school board has been

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done a great injustice," Thompson said.

He also said that teachers aren't required to teach intelligent design, but merely make students aware of it.

The revised curriculum states: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to, intelligent design. Note: origins of life will not be taught."

In addition to the law center, Carlisle attorney Ron Turo is representing the district pro bono.

The American Civil Liberties Union, Americans United for Separation of Church and State and the Philadelphia-based law firm Pepper Hamilton filed the suit in U.S. District Court for the Middle District of Pennsylvania on behalf of the parents.

The initial complaint points to the fact that board members amended the curriculum to include the phrase "intelligent design" over the vehement objections of the district's science faculty. Additionally, the case states that some board members, in discussing the issue, have made statements indicating a desire to get religion into the schools.

At a June meeting, Bill Buckingham, the chief architect of the curriculum change, told the public, "This country was founded on Christianity and our students should be taught as such."

Buckingham and newly appointed board member Ronald Short were absent from Monday night's meeting.

In voting in favor of appointing the Thomas More Law Center, school board member Angie Yingling said she was only supporting the decision because "we have to show up in court tomorrow and we need a lawyer."

The two sides are meeting this afternoon in federal court for a status conference.

Yingling initially voted in favor of the curriculum change, but earlier this month, she said changed her mind and tried to step down from the board.

She has said she hopes to convince other board members to revisit the curriculum rewrite and drop the phrase

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"intelligent design" before next month's regular meeting.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

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Copyright 2004
The York Dispatch (York, PA)

December 21, 2004 Tuesday

SECTION: TOP STORIES

LENGTH: 791 words

HEADLINE: Protests don't halt Dover's defense

BYLINE: By **HEIDI BERNHARD-BUBB**, *For The York Dispatch*

BODY:

Nearly a hundred Dover Area residents gathered at a school board meeting last night, the majority urging the board to delay hiring an attorney to battle a lawsuit challenging the constitutionality of adding **intelligent design** theory to the biology curriculum.

Audience members said the board should resolve the federal lawsuit without going to court. But the board was unswayed and with no comment voted unanimously to hire the Thomas More Law Center, a Michigan-based public interest law firm that often defends Christians who say their rights have been violated.

After the meeting, school board members said they could not comment on the case for legal reasons.

But board president Sheila Harkins and member Alan Bonsell and Harkins both responded to questions about risking taxpayer dollars on a costly suit by saying they did not intend to lose.

The More center has said it will cover the cost of the district's defense. Federal law bars the center from paying for the plaintiffs' legal fees if the defense loses, however, and American Civil Liberties Union representatives have said their legal fees likely will hit "six figures."

The suit: Eleven parents sued the district last week saying that the school board violated their children's religious freedom by including the theory in high school biology classes and making teachers read a disclaimer saying that there are several "gaps" in the scientific research in the theory of evolution.

Intelligent design attributes the origin of life to an intelligent being and says that life is too complex to be explained by an unguided process like evolution.

The parents are represented by attorneys from Americans United for Separation of Church and State as well as from the ACLU.

The first pre-hearing conference in the court case was scheduled for this afternoon, and already the national group that promotes the teaching of **intelligent design** has urged the Dover board to rescind its curriculum change and rewrite it, saying it is currently misguided and incoherent.

Meeting: Last night's crowd, which included district teachers and students, former students, parents, former board members and taxpayers, was directed by board president Sheila Harkins to restrict comments to the district's choice of attorney and told that there would be a recess if they strayed from the topic.

The Rev. Warren Eshbach of Thomasville said that he had never seen the community so fractured over an issue and that the board should not hire an attorney until it had revisited the curriculum.

The York Dispatch (York, PA) December 21, 2004 Tuesday

"The issue could be worked out with dialogue and reason with a group that could include pastors, teachers, students, administrators, and taxpayers ... as one who believes in reconciliation, it's not too late to work this out," Eshbach said.

His comments were followed by applause from the audience.

Former board members Lonnie Langione and Larry Snook said a lawsuit was likely to hurt the students and cost the taxpayers of the district.

Dover High School senior Chaitanya Ayyasola said he was already being teased about the quality of his education at Dover. He said the board should wait and think about the students' future.

Graduates speak: Brandyn Lau, a 2003 Dover High School graduate and sophomore at Juanita College studying bio-chemistry, agrees with Ayyasola.

Lau, home for the holidays, came to the meeting with a group of six Dover graduates who all said before the meeting that they were generally embarrassed by the school board's actions.

"I am quite surprised and appalled that my school district would knowingly break the law, this is not a matter of interpretation," said Lau.

Lau said he was very familiar with **intelligent design** theory, having attended both Dover and York Catholic High School, where the theory was taught.

"**Intelligent design** is more of a feeling than a science based in fact and evidence," he said.

Only two residents, Donald Bonsell and Guy Stambaugh, said they were Christians who supported the school board. Bonsell, a former board member and father of current board member Alan Bonsell, said only a small part of the community was present at the meeting and that the hearts of the people of Dover were behind the school board.

Their comments met with applause from three audience members.

But resident Peg Funkhouser took issue with Bonsell's comment.

"I am against hiring the Thomas More Law Center and I think sitting down to talk is an excellent idea. I am part of the community and I am out here tonight," she said.

Another resident, Don Sherwood, also urged the board to wait and told the audience, "Remember what Thomas Jefferson said in 1803, 'If you don't like it, vote the rascals out.'"

LOAD-DATE: March 26, 2005

Dover says ID won't be taught

But plaintiffs could start deposing school district officials as early as today.

By LAURIE LESO
Daily Record/Sunday News
Wednesday, December 22, 2004

Despite a Dover Area School District curriculum stating students must be made aware of intelligent design, attorneys representing the district in court Tuesday said the concept will not be taught in biology class next month.

In a scheduling conference before federal Judge John Jones in U.S. Middle District Court in Harrisburg, a defense attorney for the Dover district said a temporary restraining order to stop the curriculum from being taught is not necessary.

"Intelligent design is not going to be taught," said Robert Muise, a lawyer with the Thomas More Law Center representing the Dover district in a federal lawsuit filed last week. "Creationism is not going to be taught. Religion is not going to be taught."

But attorneys for 11 parents suing the district and the school board say without fully knowing what will be taught in the biology class' chapter on evolution — which may take place as early as Jan. 13 — they can't make a decision on whether to file for a restraining order.

Judge Jones agreed and ordered that plaintiffs could start planned depositions as early as today of three school board members — board President Sheila Harkins, Curriculum Chairman Bill Buckingham and former board President Alan Bonsell, as well as Supt. Richard Nilsen.

The plaintiffs then have until Jan. 5 to determine whether they will file a motion for the restraining order.

Muise had also argued that since only one child of the 11 plaintiffs will be directly affected — plaintiff Tammy Kitzmiller has a son taking the required biology class next semester — the boy could stay out of the classroom for the day.

But Stephen Harvey, one of the plaintiffs' attorneys with the Pepper Hamilton law firm, said, "We're not going to engage in self-censorship."

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At issue is the wording of the science curriculum change, which states, "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to Intelligent Design. The Origins of Life is not taught."

One of the district's arguments is that because the curriculum only states that students will be "made aware," the district will not actually be teaching students about intelligent design, Richard Thompson, president of Thomas More, said Monday night.

But Steven Stough, a seventh-grade science teacher and one of the parents in the lawsuit, doesn't buy it.

"I'm a teacher. Anything I say in a classroom is teaching," Stough said after the hearing.

Also, in the standards-driven environment of today's public schools, it's unfair to suggest a student sit out a class, he said, because it's denying him a right to education.

When the Dover school board voted 6-3 in October to reword the ninth-grade biology curriculum, it is believed to have become the first in the country to mandate the teaching of intelligent design.

Intelligent design is the idea that life is too complex to have evolved randomly through natural selection and therefore may have been designed by an intelligent creator.

Its proponents say it's merely about presenting an alternative argument to the theory of evolution. But in the lawsuit against the district, the parents say it's not science, and say their First Amendment rights are violated by requiring "teachers to present to their students in biology class information that is inherently religious."

Reach Lauri Lebo at 771-2092 or llebo@vdr.com.

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Copyright 2004
The York Dispatch (York, PA)

December 22, 2004 Wednesday

SECTION: LOCAL NEWS

LENGTH: 382 words

HEADLINE: Deadline for Dover lawsuit

BYLINE: CHRISTINA KAUFFMAN<cm-bd> *The York Dispatch*

BODY:

Lawyers representing American Civil Liberties Union and 11 parents of Dover Area School District students have until Jan. 5 to seek a temporary order barring the district from providing controversial curriculum for its ninth-grade biology students.

The parents' legal team made its first appearance in federal court in Harrisburg yesterday after parents last week sued to challenge their school board's policy.

The law suit sought a restraining order against the teaching, which they believe is scheduled to begin Jan. 18.

With the change, teachers will read students a statement raising questions about the theory of evolution, mentioning intelligent design and referring them to a book, "Of Pandas and People," if they want to learn more.

Middle District Judge John E. Jones allowed attorney Stephen Harvey and other members of Pepper Hamilton, the law firm representing parents, to get depositions from four people to help them decide if the restraining order is necessary: board president Sheila Harkins, former president Alan Bonsell, superintendent Richard Nilsen and William Buckingham, chairman of the board's curriculum committee.

The suit: The suit filed last week accuses Buckingham and others of having religious motives for voting to implement the policy. The suit said Buckingham told people that the school board was looking for a book of curriculum that offered a "balance" between Darwin's theory of evolution and the biblical view of creation.

According to the suit, Buckingham said there need not be any consideration for the beliefs of Hindus, Buddhists or other competing faiths because "This country was founded on Christianity, and our students should be taught as such."

Buckingham has been on vacation, but Harkins and Nilsen sat with attorneys from the Thomas More Law Center, a Michigan-based public-interest law firm that is representing the school district and its board for free.

The center bills itself as a firm that defends Christians whose rights have been violated.

Scientist Charles Darwin's theory of evolution says that people evolved from less complex beings.

Intelligent design attributes the origin of life to an intelligent being.

-- Reach Christina Kauffman at 505-5434 or ckauffman@yorkdispatch.com.

LOAD-DATE: March 26, 2005

Current events served up; Some patrons at the Reliance Caf question the war, back intelligent design.

SEAN ADKINS. York Daily Record. York, Pa.: Dec.24, 2004. pg. 4

Abstract (Document Summary)

Cooper and his friends meet regularly at the Reliance Caf to eat breakfast and discuss current events, which range from the battles in Iraq to the issue of intelligent design in the Dover Area School District.

The Dover Area School Board's decision to fold the teaching of intelligent design into its ninth-grade biology curriculum might prove beneficial for students, [Betty Lau] said.

Seated at the opposite end of the West York restaurant, Kim Barnhart and Joyce Frey also chatted about intelligent design over breakfast.

Full Text (698 words)

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Ray Cooper received his first draft notice to defend his country in World War II when he was still in high school.

The West York resident said he battled the enemy on foreign soil belonging to countries such as Germany and France.

As an experienced soldier, Cooper said, it was easy to form an opinion about the U.S.-led war in Iraq.

"I think we should have stayed out of there in the first place," he said. "I think it's like a second Vietnam."

Cooper and his friends meet regularly at the Reliance Caf to eat breakfast and discuss current events, which range from the battles in Iraq to the issue of intelligent design in the Dover Area School District.

During a recent get-together, the group approached the topic of war directly and chatted about recent claims by soldiers that Humvees are not well-shielded against enemy fire.

Al Taylor of West Manchester Township said the vehicles should have better armor underneath to deflect damage caused by land mines.

"I want to know where these insurgents are getting these weapons," Cooper said. "Nobody seems to know."

Betty Lau said she had heard Defense Secretary Donald Rumsfeld claim that the soldiers had everything they needed to fight the war.

The West York resident did not agree.

"I bet Rumsfeld has everything he needs," she said.

Lau said it was wrong for Rumsfeld not to personally sign letters to families of troops killed in action.

Earlier this week, Rumsfeld acknowledged the practice of using a machine to sign his name, and said that he would start to personally sign the letters.

"It's too late now," Lau said. "He should have signed (the letters) right away and not have it done by a machine."

Lau said the government should focus on taking care of domestic concerns rather than fighting the war.

Cooper said that he agreed and that the government should pull troops from Iraq.

The group's discussion soon shifted to the domestic front.

Taylor said he does not agree with York's proposal to increase the occupational privilege tax from \$10 to \$52 for those who work in the city.

"It's a bad time to do it with everyone spending money on Christmas," he said.

Mary Knott of West York agreed.

"Taxes are a penalty for the living," she said.

Financial obligations were not the group's lone local concern.

The Dover Area School Board's decision to fold the teaching of intelligent design into its ninth-grade biology curriculum might prove beneficial for students, Lau said.

Intelligent design is the idea that life is too complex to have occurred randomly and therefore might have been created by a divine being.

"They should put God in," she said. "They are not getting it anywhere else."

Dean Becker said teaching religion in the classroom is a good idea, as long as "they are not cramming it down your throat."

Seated at the opposite end of the West York restaurant, Kim Barnhart and Joyce Frey also chatted about intelligent design over breakfast.

Barnhart said she works a third shift at Die-Tech in Newberry Township.

Frey said she works a similar shift at Tooling Dynamics in York.

Children should be taught that other theories exist besides evolution, Barnhart said.

"Our country was founded on the principles of Christianity," she said. "Keeping prayer out of school is not a good thing."

Frey said she questions why people who oppose God being stated in the Pledge of Allegiance have no problem using currency printed with the mention of God. The two women soon abandoned talk of religion for a less loaded topic.

Christmas shopping.

Barnhart said her optimum time to holiday shop is in the morning and on a weekday.

That strategy allows her to avoid large crowds filled with people who can sometimes be rude.

"This a time for good will toward men," Barnhart said. "Not a time to pull packages out of someone's hands."

Reach Sean Adkins at 771-2047 or sadkins@ydr.com.

PIC DAILY RECORD / SUNDAY NEWS JASON PLOTKIN

Kathryn Cooper and her husband, Ray, are regulars of the Reliance Caf in West York. About once a week, the couple gathers friends to socialize there.

Credit: York Daily Record

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People: Cooper, Ray, Lau, Betty, Rumsfeld, Donald H, Barnhart, Kim, Frey, Joyce

Section: BUSINESS

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128 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 24, 2004 Friday

SECTION: HANK MERGES

LENGTH: 618 words

HEADLINE: Take a moment to reflect on Christmas

BYLINE: HANK MERGES *Dispatch*

BODY:

As the clock ticks the final hours toward Christmas, quietly reflect ...

When the song of angels is stilled,
When the star in the sky is gone,
When the kings and princes are home,
When the shepherds are back with their flock,
The work of Christmas begins:
To find the lost,
To heal the broken,
To feed the hungry,
To release the prisoner,
To rebuild the nations,
To bringing peace among brothers,
To make music in the heart.

-- From church bulletins at St. Joseph's, York, and Aldersgate UM.

--

Threats by the ACLU, presently attacking the Dover "intelligent design" decision, prompted Beaver County to remove a Nativity scene from a public park.

Meanwhile, Alan Sears, president of the Alliance Defense Fund and leading a national effort to "stand up to the ACLU's censorship of Christmas" has declared:

"The ACLU continues in legal terrorism by waging war against 96 percent of Americans who want to celebrate Christmas."

In a poll, Gallup found that three out of every four Americans say there is not enough emphasis on the religious nature of Christmas.

--

DreamWrights plans a campaign next year to raise \$1.5 million to renovate its headquarters at 100 Carlisle Ave.

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First St. John's Evangelical Lutheran Church at 140 W. King St. plans a Christmas service in German at 4 p.m. Sunday.

--

The York Dispatch (York, PA) December 24, 2004 Friday

Each Moravian congregation the world over is assigned to pray around-the-clock one day every year for the needs of the church and the Kingdom. Today is Covenant Moravian's time.

--

Reporting in Bottom Line, Dr. Maria Simonson, of Johns Hopkins, says cold weather makes people more sensitive to pain.

--

Santa is likely to deliver tons of Monopoly sets again this year. Trail Blazers Almanac notes that "more Monopoly money is printed in a year than real money throughout the world."

--

Snippets in the news ...

---If Maryland lawmakers don't soon address the skyrocketing costs of medical malpractice insurance, 40 percent of its physicians will retire or leave the state, says the Maryland State Medical Society. This year, doctors saw premiums rise 28 percent. Now they're being bombed with a 33 percent hike.

---Commentator Michael Reagan suggests the NAACP name Bill Cosby its new leader. Making waves, Cosby has been challenging black parents to take responsibility for their children's education, criticizing elements in black culture that glorify violence and sexual irresponsibility, and even questioning the off-English that he believes may prevent young blacks from succeeding in a broader society.

--

Lois Kinard is the Red Lion Senior Center's latest Volunteer of the Month. A devotee of Southern Gospel music, she serves as a pianist for religious services at the center.

--

New Eagle Scouts ...

---Cameron L. Whitcomb, Troop 20, Yorkshire UM Church ... son of Craig and Bev Whitcomb. Project: Saving nine trees at Rocky Ridge.

---Grady C. Erdman, Troop 48, Glen Rock Jaycees ... son of Ronnie and Stephanie Erdman. Project: Painted 69 fire hydrants in Glen Rock.

--

You're invited to the eighth annual "Festival of Nine Lessons and Carols" at 4 p.m. Sunday at St. Rose's ... a unique concert by the York Ecumenical Choral Society, directed by Jonathan Noel.

--

Another holiday treat ... tours of the high-tech Byrnes Health Education Center 11 a.m.-2 p.m. Dec. 28 ... register, Dana Miller, 848-3064.

--

Finally, to all ... a merry and blessed Christmas!

Columns by Hank Merges, a local writer, appear Tuesday and Thursday in The York Dispatch. Reach Hank at hmerges@yorkdispatch.com or 854-1575.

LOAD-DATE: March 26, 2005

Dover intelligent design proponent goes absent

Buckingham missed as legal fight heats up

By LAURI LEBOW
Daily Record/Sunday News
Sunday, December 26, 2004

The chief lobbyist of the plan to add intelligent design to the Dover Area School District's science curriculum has all but disappeared from the scene in recent weeks.

School board member Bill Buckingham has been absent from all three public school board meetings this month. On Monday, he missed a special meeting to pick lawyers to defend the curriculum revision he fought so hard for.

"We wanted to be able to talk to him as well," said Richard Thompson, president of the Thomas More Law Center, which was chosen at the meeting to represent the district.

Jeff Brown, who resigned from the Dover school board Oct. 18 after it voted to rewrite the curriculum to include intelligent design, said Buckingham's absence raises questions.

"Where is this guy?" he said. "Why isn't he around to sort of help sort it out?"

Thompson said not only have defense attorneys with the More center been unable to talk to Buckingham, they don't know how to contact him. They have called district officials, but they say they don't know how to reach him, he said.

Thompson said Buckingham has told people he had a personal family emergency and is out of the state. He said he would be gone for a few weeks but would be back by the end of the month, Thompson said.

Even officials with the pro-intelligent design Discovery Institute have tried to reach the retired Dover resident with no luck.

His wife, Charlotte Buckingham, did not return phone calls seeking comment. School board members Alan Bonsell and Sheila Harkins also did not return calls, and school administrators will not comment on the lawsuit.

Eleven parents are suing the school district and the board

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12/31/2004

over the fact that high-school biology teachers must present intelligent design in addition to evolution.

In the district's first appearance in court last week, Buckingham was not there. Board President Harkins was present. But at Tuesday's hearing in federal court in Harrisburg, attorneys for the parents said they wanted to depose Buckingham, who, as head of the school board's curriculum committee, was the chief proponent for the intelligent design requirement.

The depositions are to determine whether a temporary restraining order is necessary to stop the teaching of intelligent design during next semester's class on evolution, which could take place as early as Jan. 13.

Plaintiffs' attorneys have also asked for depositions from Harkins, former board President Bonsell and Supt. Richard Nilsen.

Even though he hasn't spoken to him, Robert Muise, also with the More center, assured reporters that Buckingham will be available before the plaintiff's Jan. 5 deadline to file a request for a restraining order.

The fight over intelligent design first began in June when Buckingham refused to approve a biology book because it was "laced with Darwinism."

Following a battle that continued through the summer, the board approved the textbook "Biology." But a month later, 50 copies of a "supplemental" textbook on intelligent design, "Of Pandas and People," were donated to the school district. The district will not release the names of the donors.

Because no district funds were used, the school board did not need to vote on the books. At the time, many thought the issue was settled.

But then, in October, Buckingham successfully led efforts to revamp the science curriculum to include the phrase "intelligent design."

The Discovery Institute, which supports research into the concept of intelligent design, and had spoken to Buckingham over the summer, opposes the school board decision. John West, a Discovery associate director, said officials there tried to contact Buckingham following the

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12/31/2004

vote but have been unsuccessful.

"Do you know where he is?" West asked.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

Science controversy at a glance

Despite protests by science teachers, who said they were kept from participating in the decision, and some school board members, the Dover Area School Board revamped its science with a 6-3 vote on Oct. 18.

The curriculum is believed to be the first in the country requiring the teaching of intelligent design — the idea that life is too complex to have evolved randomly through natural selection and, therefore, may have been designed by a creator — in high-school biology class.

The curriculum states: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to Intelligent Design. The Origins of Life is not taught."

Despite a news release issued by the district on the subject, many questions remain about exactly what will be taught in class regarding intelligent design. And teachers themselves say they're still not sure what to do if students ask questions about the subject.

Students are expected to reach the chapter on evolution as early as Jan. 13. Lawyers for the 11 parents suing the district over the curriculum change have until Jan. 5 to file for a temporary restraining order to prevent the new curriculum from being taught.

top

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12/31/2004

Science controversy at a glance

York Daily Record, York, Pa.: Dec 26, 2004. pg. 1/06

Abstract (Document Summary)

Students are expected to reach the chapter on evolution as early as Jan. 13. Lawyers for the 11 parents suing the district over the curriculum change have until Jan. 5 to file for a temporary restraining order to prevent the new curriculum from being taught.

Full Text (204 words)

Copyright (c) 2004 York Sunday News

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Credit: York Daily Record

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Christian-secular clashes intensify; Local controversies will force courts to decide religion's role in nation's public life

KAREN MULLER. *York Daily Record*. York, Pa.: Dec 26, 2004. pg. 1/04

Abstract (Document Summary)

City officials in York tried for two years to keep a local pastor from marching in the Halloween parade with a float depicting the bloody images of aborted fetuses. The Rev. Jim Grove and his followers marched this year, with their gory display and the support of the State Supreme Court.

"...Issues about religion, the relationship between religion, churches and government, and religious freedom because the conversation is so politically charged it becomes a conflict," said Steve Elliott, executive director of the First Freedom Center in Richmond. "Lots of times it becomes litigation."

The Rev. Jim Grove's fight for the right to march in York's Halloween parade with a gory float depicting aborted fetuses culminated with a court victory and a spot at the back of this year's parade. He said he's pleased to see more religious people fighting for their rights.

Full Text (1363 words)

Copyright (c) 2004 York Sunday News

In the minds of some, a movement to kick God out of school started with the publication of Darwin's Theory of Evolution in 1859. In the Dover Area School District this year, another movement kicked back.

For the past several years, a nationwide effort has been under way to force communities to remove monuments of The Ten Commandments from public property. That effort reached Hanover this year, where it ran into a wall of opposition.

City officials in York tried for two years to keep a local pastor from marching in the Halloween parade with a float depicting the bloody images of aborted fetuses. The Rev. Jim Grove and his followers marched this year, with their gory display and the support of the State Supreme Court.

Theologians, professors and lawyers say the struggle to determine the rightful role of religion in public life didn't end with the drafting of the Constitution, the Bill of Rights and First Amendment.

They say it has just begun.

More and more Christians have become discontented with what they see is an increasingly secular society, and they are standing up for their faith, said the Rev. Brent Walker, lawyer and executive director of the Baptist Joint Committee in Washington, D.C.

"There is certainly a conservative resurgence," Walker said. "And they are clearly more vocal and perceived to be more powerful."

Many Christians believe the establishment discriminates against them, said the Rev. Stephen Tourville, superintendent of the Penn Del District Council of the Assemblies of God.

They just want a level playing field, he said.

"Our nation has moved away from its Judeo-Christian roots," he said. "...And it is difficult to accept the transition that has taken place."

But while the movement's origins may be the faith, what's happening in the faith community doesn't indicate

revival sweeping the land, theologians said.

Membership in mainline denominations has declined. Churches share pastors or go without for years because of shortages. And many smaller, neighborhood churches in cities and rural areas struggle to fill pews and pay bills.

Some say what's driving the conservative movement is a spirit of activism.

"I don't think it is a question of more or less religion," said Rita Nakashima Brock, visiting scholar at the Graduate Theological Union in Berkeley, Calif. "There was certainly a heavy involvement of religious activism in the 1960s. . . . It's a longstanding American tradition."

Others believe the strength of the conservative right has been bolstered by the re-election of President George W. Bush, who speaks openly of his Christian faith.

"They feel they were responsible for Bush winning the election," said Steve Neubauer, president of the Pennsylvania Nonbelievers. "And they feel Bush is going to back them up with what they want to do."

Across the nation and in York County many people are choosing to let the courts decide the role religion will play in public life.

"... Issues about religion, the relationship between religion, churches and government, and religious freedom because the conversation is so politically charged it becomes a conflict," said Steve Elliott, executive director of the First Freedom Center in Richmond. "Lots of times it becomes litigation."

Case in point Dover.

Eleven parents filed a lawsuit this month in federal court over Dover Area School District's decision to teach intelligent design, a concept that points to a higher being by saying life is too complex to have been created randomly by natural selection.

Opponents say it is an attempt to slip creationism into the public schools by passing it off as science, and say religious discussions should stay in the church and at home.

Supporters of the decision say it's good to offer students alternative concepts to evolution.

John Whitehead, lawyer and president of the Rutherford Institute, said any judicial ruling on intelligent design will affect the next generation.

"Judge (Roy) Moore called me, and I told him (his case) was going to get ruled unconstitutional," he said of the former Alabama chief justice's fight to keep a Ten Commandment's display at the state Supreme Court building. "This intelligent design thing is an entirely different thing. . . . It is a very complex subject, and I don't think the courts are equipped to handle it."

Another case in point Hanover.

Threats of a lawsuit spurred Hanover officials this month to sell a plot of land in a public park where a Ten Commandments monument had been placed. It was a gift to the borough from a civic group in 1957.

Members of the Washington, D.C.-based Americans United for the Separation of Church and State said the monument had to be removed or they would sue.

Some Christians responded with horror at the talk of taking away the monument, saying The Ten Commandments do not espouse one religion, but reflect the morals held by people of many faiths.

Neubauer saw the reaction from Christians wanting to keep the monument as an attempt to proselytize.

"Just the fact that they demand these displays should be on public property rather than private property," Neubauer said, "is an indication that they are not just worshipping, they are trying to impose their religious values on someone else."

Elliott and others said the benefit of such conflicts is that the debate might help Americans better appreciate their religious freedoms.

The faith-led conflicts concern those who worry the lines that separate church and state have become blurred.

"They fail to understand for us to have real religious liberty, government should not be permitted to take sides in religion one way or another," Walker said. That separation, he said, has resulted in a vibrant religious landscape and a diversity of religions.

But living out the faith and the separation of church and state means different things to different people.

Grove, of Heritage Baptist Church in Springfield Township, believes Christians must act before their freedoms slip away.

And he believes in separation he said his church has never applied for nonprofit status because it doesn't want government in its business.

The city placed his anti-abortion float last of the 108 entries in the Halloween parade this year in between a city fire vehicle and a police car.

Spectators shouted "pro-choice" as his float passed.

The city barred his float from the parade in 2002 and 2003, so Grove took the city to court. A U.S. Middle District judge ruled in September that Grove's First Amendment rights were being violated when York excluded him from the parade.

Grove said he is watching the situation in Dover carefully and commends the school district for its approval of intelligent design.

Finally, people are joining him, he said, and standing up for what they believe.

"I just hope it's not too little, too late," he said.

Reach Karen Muller at 771-2024 or kmuller@ydr.com.

QUOTE: There is certainly a conservative resurgence.' THE REV. BRENT WALKER, BAPTIST JOINT COMMITTEE

PIC: DAILY RECORD / SUNDAY NEWS -- FILE Daily Record / Sunday News

The Rev. Jim Grove's fight for the right to march in York's Halloween parade with a gory float depicting aborted fetuses culminated with a court victory and a spot at the back of this year's parade. He said he's pleased to see more religious people fighting for their rights.

PIC: DAILY RECORD / SUNDAY NEWS -- FILE

FAR RIGHT: Rather than move this monument of the Ten Commandments from Wirt Park in Hanover, where it stood since 1957, the borough sold a small plot of land around the display to a private owner.

PIC: DAILY RECORD / SUNDAY NEWS -- FILE

BELOW: Jeff Brown and his wife, Carol, resigned from the Dover Area School Board this year after fellow members approved the teaching of Intelligent Design in science class. Eleven parents have since sued the district over the decision to teach what they say amounts to religion

PIC: DAILY RECORD / SUNDAY NEWS – FILE

RIGHT: Rather than adhere to a demand from the Historic Architectural Review Board, leaders of Sts. Peter and Paul Roman Catholic Mission in York say they might go to court rather than uncover a datestone placed on the building in 1973 when it was a Protestant church.

Credit: York Daily Record

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People: Grove, Jim, Bush, George W, Neubauer, Steve
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Dover board member back

Bill Buckingham missed a meeting appointing legal defense for the district.

*By JOSEPH MALDONADO
For the Daily Record/Sunday News
Friday, December 31, 2004*

Dover Area School Board member Bill Buckingham, who headed the board's push to have intelligent design included in the district's science curriculum and then missed three board meetings — including the one at which the school board appointed a legal team to defend a lawsuit over the new policy — is back on the scene.

"All I can tell you is that I had to take care of some personal business," he said Thursday.

Before he left in early December, he said, representatives from the Thomas More Law Center in Ann Arbor, Mich., advised him not to say where he was going or what the personal matters pertained to.

On Dec. 20, without Buckingham present, the board voted to appoint the Thomas More center to defend it against a lawsuit filed on behalf of 11 parents in the district who do not want intelligent design to be taught in Dover Area biology classes.

More than a week ago, Thomas More center president Richard Thompson said he wanted to get in touch with Buckingham but didn't know where to find him.

Buckingham said he'll attend the board's meeting Monday.

"I hope I haven't given the impression that I have been ducking the issues or hiding," he said.

Buckingham said he is ready for the district's day in court.

"It has always been my contention that this board hasn't done anything wrong," he said. "So let's get on with it."

Attorneys for parents who are suing the district have said they want to depose Buckingham to help them determine whether to file a request for a temporary restraining order in hopes of preventing intelligent design from being taught this semester in ninth-grade biology class. That

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could occur as early as Jan. 13.

Monday, former board president Alan Bonsell, current president Sheila Harkins and district Supt. Richard Nilsen are scheduled to give legal depositions on the issue.

Intelligent design suggests that life was created by a designer, which critics say equates to a deity or god. They argue that teaching the theory violates the constitutional separation of church and state.

"We do not want to teach religion," said Buckingham, who is chairman of the curriculum committee. "That's not what this is about."

Former board president Alan Bonsell reiterated what he has said since the curriculum change.

"The board simply wants to provide an alternative, scientific theory of how the world works," he said. "And intelligent design is science."

Neither Buckingham nor Bonsell would say any more about the curriculum change on the advice of their lawyers.

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1/2/2005

120 of 179 DOCUMENTS

Copyright 2004
The York Dispatch (York, PA)

December 31, 2004 Friday

SECTION: TOP STORIES

LENGTH: 2210 words

HEADLINE: For York, a year like no other

BODY:

In no particular order, here are 10 of the most significant stories from York County in 2004.

**A new look
for the county**

A new, activist board of county commissioners took office in 2004, promising a thorough evaluation of county policies and practices, and a commitment to keeping government dealings in the public eye.

Republicans Lori Mitrick and Steve Chronister, and Democrat Doug Kilgore, began the year by setting a team of 40 people to work studying county government.

No substantial shakeup ensued, but the report recommended additional staffing and higher wages, better training and adoption of new technology. In response, the commissioners approved new positions and created grant-writing and training departments in the 2005 budget.

During the year, the commissioners took a stand for intermunicipal cooperation, giving York City \$100,000 for 2004 and promising the same for 2005.

They continued plans for the \$63 million upgrade of the 911 system and a new dispatching center. They also expanded the scope of planned projects at the prison and the old courthouse, adding millions to the costs, and allocated \$2 million to secure land to create a park in Lower Windsor Township.

In many cases, Mitrick and Kilgore voted in unison on issues, with Chronister opposed.

"I thought Mitrick and I would disagree on things, but I never thought the actual minority commissioner Doug Kilgore would just totally follow her every step of the way," Chronister said.

They ended their first year in office by raising property taxes by 7 percent and creating a new library tax, to ensure library funding grows as the county does -- with Chronister opposed.

**A park at
Lauxmont?**

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One of the most controversial issues in York County this year was the effort by county commissioners Lori Mitrick and Doug Kilgore to turn 915 undeveloped acres in Lower Windsor Township into a public park overlooking the Susquehanna River.

Called the Susquehanna Riverlands Preservation Project, it has the backing of the Lancaster-York Heritage Region Board and the York County Farm and Natural Lands Trust. It would contain a welcome center, preserved farmland and an American Indian museum and education center, focused on a site that may have been the last Susquehannock Indian village.

The York Dispatch (York, PA) December 31, 2004 Friday

So far, it has received a \$1 million, two-year commitment from the state, in part because the commissioners in May moved to take, by eminent domain, the Highpoint tract, owned by Columbia builder Peter Alecxih.

Since then, opposition to the project has mounted. Local and national Realtors' groups have come to Alecxih's defense, as he had already received permission to develop the site, and the land-taking is tied up in court.

Also in bitter negotiations with the county is the Kohr family, which owns Lauxmont Farms. The farm contains the bulk of the land proposed for the project. And there's been no word on where the rest of the money for the estimated \$15 million to \$20 million project would come from.

A new judicial center

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A \$50 million York County Judicial Center at George and Philadelphia streets opened in July 2004 -- a year behind schedule and \$7 million over budget.

It was dedicated in an Oct. 2 ceremony, with a keynote address by Pennsylvania Supreme Court Justice J. Michael Eakin.

Ground was broken in May 2001 for the seven-story building, designed by Hellmuth, Obata & Kassabaum, PC, of Washington, D.C., and constructed by York-based Kinsley Construction.

The structure, with room for the county courts to expand, replaces the old courthouse in the first block of East Market Street, which was built at the turn of the 20th century, when York County had only about 117,000 residents. Today, the population is nearing 400,000.

As 2004 progressed, county commissioners tried to halt what seemed like a never-ending avalanche of change orders, but even today, extra costs associated with the building continue to roll in.

Meanwhile, the 2005 county budget includes higher costs for the sheriff's office, administration and facilities management because of additional staffing and higher-than-expected operational costs of the new judicial center.

Dover in the spotlight

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From National Public Radio to the TV show "Nightline," crews from the national media began descending on the Dover area toward the end of the year.

They were reporting on a controversy over the teaching of intelligent design in high school biology courses, as approved by the school board in October.

The debate began last June, when a new biology textbook, the 2004 edition of "Prentice Hall Biology," was up for approval.

The book offended some board members because it teaches the theory of evolution without reference to creationism --although in 1987 the U.S. Supreme Court prohibited the teaching of creationism in public schools.

A divided board approved the book, but some members called for an alternative theory to be taught alongside evolution. A proponent of the intelligent design theory, which attributes the origin of life to an "intelligent being," donated 60 copies of the book "Of Pandas and People" to the district.

In October, the board voted to add a statement to the curriculum that says there are gaps in Darwin's theory of evolution, and students should be made aware of other theories, including intelligent design. They then issued a statement they wanted teachers to read in biology class.

Three board members --Jeff and Casey Brown, and Angie Ziegler-Yingling -- resigned.

On Dec. 14, 11 parents joined with the American Civil Liberties Union, Americans United for the Separation of Church and State and a Philadelphia law firm to sue the district and its board.

Parents said the board's intention was religious and violates their children's civil liberties.

A federal judge said the parents' attorneys have until Jan. 5 -- about two weeks before the classes would begin -- to decide whether to seek a restraining order barring the district from offering the curriculum.

The York Dispatch (York, PA) December 31, 2004 Friday

And the case wasn't the only church vs. state controversy in the county in 2004. Hanover officials got a judge's permission to sell a sliver of Wirt Park, containing a decades-old Ten Commandments monument, after Americans United for the Separation of Church and State objected to its presence.

War takes its toll on York

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They may be thousands of miles from home, but in 2004 home hasn't been far away for American service men and women serving overseas, especially those in Iraq and Afghanistan.

Like Americans around the country, York County families, individuals, churches and organizations have taken up the cause of making sure the troops know folks on the home front care. They've collected everything from deodorant to soccer balls -- just about anything to make life a little more comfortable, even safer, for the troops.

York County-based Support Our American Recruits. SOAR, has been in the forefront of making sure what's donated gets overseas.

"It's really an uplift, a joy for the soldiers," said Becky Bair, SOAR's collection coordinator. "They enjoy anything you send them."

Organized soon after the start of the war in Iraq to send cards, letters and care packages, this year SOAR transformed into a virtual clearing-house for organizations and individuals who want show their support. And the support has been pouring in all year.

Farm fracas

Concentrated animal feeding operations -- maligned by their opponents as "factory farms" -- continued to make headlines in York County in 2004.

After neighbors in Peach Bottom Township last year staved off one farmer's effort to open such a hog farm, an East Hopewell Township farmer fought the same battle this year.

About eight months ago, farmer John Marsteller Jr. submitted a plan to build a 3,300-head hog farm on his Round Hill Church Road property.

Residents came out in force to protest, saying the farm would emit foul odors, pollute and drain their wells and lower property values.

In September, Marsteller cut the size of farm by a little more than 1,000 hogs so it would no longer be classified as a CAFO.

Still, more than 800 residents signed a petition to stop the farm, and more than 130 applauded the board of supervisors after it unanimously voted to reject the 2,200-head hog farm Dec. 1. Marsteller is appealing the decision.

Meanwhile, the issue continues to draw attention statewide. Gov. Ed Rendell at the end of 2003 vetoed a bill that would have prohibited municipalities from regulating CAFOs, but then tackled the issue during the 2004 session. His Agriculture, Community and Rural Environment [ACRE] Initiative would have set up a state board to mediate municipality-farmer disputes. Although it died in the Legislature, the issue could be back on the table in 2005.

Hellam farm preservation

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Farmland preservationists took control of Hellam Township's development ordinances away from development advocates in 2004 as a new majority formed on the board of supervisors and adopted a new land-use ordinance.

Supervisors Michael Martin and Russell Yoas joined incumbent Martin Reed to form a three-man preservationist majority. Incumbent supervisors Phil Smith and Stewart Leland have favored development.

The new land-use ordinance reversed changes development supporters had made in 2003 to a plan from the late 1990s. One of the main changes limits the sale of development rights.

The York Dispatch (York, PA) December 31, 2004 Friday

The new majority also promised open government. In regular meetings and special workshops that have run late into the night, they've heard and deliberated residents' concerns. And they started a review of the township's comprehensive plan, which guides the development of the township for the next 10 years.

Meanwhile, former supervisors Richard Clooney and Paul Dellinger battled the changes in the ordinance; they had applied for transferable development rights under the 2003 ordinance.

Whether their plans can go forward depends on the outcome of another case in York County Common Pleas Court - an appeal by preservationist Katina Snyder to invalidate the township's 2003 ordinance.

Mother's Day

Flooding

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Devastating flooding that hit sections of southeastern York County in May had victims comparing the disaster to the 1972 floods spawned by Tropical Storm Agnes.

Worse than the millions of dollars in damaged property was the Mother's Day drowning of a young mother and her daughter when their car was swept away in the flooded north branch of Muddy Creek in Felton.

Rescuers couldn't reach Karen King, 35, of Brogue, and her 4-year-old daughter, Hannah, as rising waters trapped them in their car.

Felton's municipal building was flooded, and sidewalks and storm sewers in the borough were damaged.

Flooding from rain-swollen creeks such as Muddy and the tiny Fishing Creek that flows through Windsor Borough inundated homes and businesses. Flooding also hit sections of North Hopewell, Windsor and Lower Windsor townships and some 40 miles of state and county roads and bridges.

The area was designated eligible for federal assistance after the York County Commissioners declared a disaster emergency, and the flood's aftermath raised concerns about whether the region has adequate stormwater management policies.

The stadium

drags on

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Often over the past few years, the prospects for a baseball stadium in York City have looked bleak.

At this time last year, incoming County Commissioner Steve Chronister filed for an injunction that effectively stopped the project's progress before the outgoing commissioners could vote on backing a bond for it.

And in June, the York City School Board rejected plans to build the stadium on its Small Athletic Field, voting to renovate the field on its own.

But at the close of 2004, a stadium in York City is still a possibility.

In an October report, a committee appointed by Mayor John Brenner recommended two sites for the stadium: Small Field and a block of land along Arch Street.

Brenner has appointed another committee, this one charged with studying the two sites.

Downtown

renaissance

In downtown York, 2004 has seen entrepreneurs filling empty storefronts and drawing up plans for further development.

Restaurants such as The Harp and Fiddle and Fisher's are now open for business on North George Street. Bars, such as Ron Kamionka's half-dozen establishments, draw crowds on West Market Street. Gift shops and a high-end condominium complex, The Lofts, opened, and the county's new judicial center was finally completed.

In fact, city economic development director Matt Jackson reported that 28 new businesses opened in York in 2004.

The York Dispatch (York, PA) December 31, 2004 Friday

Some attributed the development to the judicial center and the Strand-Capitol Performing Arts Center, which reopened in the fall of 2003. Others cited city efforts at redevelopment. And while officials say they are proud of the new development, they contend that there is still room for improvement -- and many more empty spaces to be filled.

LOAD-DATE: March 26, 2005

Lesson will be brief, attorney says

By LAURILEBO
Daily Record/Sunday News
Sunday, January 2, 2005

The attorney for the Dover Area School District said no one will be teaching intelligent design.

But lawyers for the 11 parents suing the district said they'd still like to get that on the record from the people who fought to get the concept in the science curriculum.

The entire statement on the subject of intelligent design in next semester's ninth-grade biology class will take about a minute, said Richard Thompson, president of the Thomas More Law Center, which is representing the district.

And because intelligent design — the concept that life is too complex to have evolved through natural selection, and therefore must have been created by an intelligent designer — is only "mentioned," Thompson said; it's not being "taught."

But while Thompson said the wording is clear, attorneys for the parents suing the district think otherwise.

Eric Rothschild, an attorney with the Pepper Hamilton law firm that is representing the plaintiffs, says he doesn't yet know what will be taught when the class reaches its chapter on evolution. So plaintiffs' lawyers have scheduled depositions Monday for Supt. Richard Nilsen and three of the school board members — Sheila Harkins, Alan Bonsell and Bill Buckingham.

Rothschild said he hopes the depositions will help lawyers glean what the board's intentions were when it passed the curriculum revision in October.

Part of the argument is over the exact meaning of the wording of the new science curriculum, which states students will be "made aware" of alternative theories to evolution, including intelligent design.

A news release issued last month by Dover's administration states that intelligent design will not be taught. Instead, teachers are to read a prepared statement and note that students can read "Of Pandas and People," a book about the concept.

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The news release goes on to state that Nilsen "has directed that no teacher will teach Intelligent Design, Creationism, or present his or her, or the Board's, religious beliefs."

In the meantime, teachers also say they're still not sure how they're supposed to comply with the board's decision. Bertha Spahr, who heads the district's science department, said last month that a problem could occur after the statement is read to the students. Once this topic is introduced, Miller said, she wonders how many questions will be asked.

The directive leaves teachers feeling caught between the school board and the First Amendment's prohibition of government establishment of religion, Spahr said at the time.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

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Mark curriculum committee's minutes absent

No written record of ID decision was kept

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Sunday, January 2, 2005

The story of how intelligent design made its way into the Dover Area School District's biology curriculum has taken nearly seven months to write, to date.

Then again, "write" may not be the best word to use in telling this story, since the district has taken few or no notes about the process that made the teaching of the concept possible.

Recently, the district denied a request made by the York Daily Record/Sunday News to review the minutes of the school board's curriculum committee. It wasn't because the records aren't public but rather because there are no minutes.

Supt. Richard Nilsen said as far as he knows, none of the board's subcommittees has ever kept minutes of their meetings.

"I think there is around 16 different subcommittees of the board," Alan Bonsell, a board member and a former board president, said last week. "It's not that anyone is trying to keep things secret; it's just not something we thought was necessary."

But according to Teri Henning of the Media Law Council in Harrisburg, any committee that meets with the intent of influencing a larger board decision must advertise its meeting, make it open to the public and record minutes.

Those rules are part of the state's Sunshine Law, which is designed to make the government process more accountable to the public.

Exceptions to the sunshine rules include discipline and personnel matters. But for the most part, Henning said, all government-run meetings should be documented via the minutes.

"But the truth is, while it disappoints me, it doesn't surprise me," Henning said. "Our Sunshine Law doesn't have the teeth needed to force compliance."

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